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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: JOSH ELLIS

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15 Thursday, May 19, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:34
21 a.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED] CHIEF CLERK

11 [REDACTED] INVESTIGATIVE COUNSEL

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14 For THE WITNESS:

15

16 HARRY SMITH

1

2 Mr. [REDACTED] Let's go on the record then.

3

4 Good morning, this is a deposition of Joshua Ellis, conducted by the House Select
5 Committee to Investigate the January 6th attack on the United States Capitol pursuant to
6 House Resolution 503.

6

Mr. Ellis, please state your full name and spell your last name for the record.

7

The Witness. Joshua Theodore Ellis. Spelling of last name is E-I-I-i-s.

8

9 Mr. [REDACTED] Thank you very much. And, Mr. Ellis, would you please raise your
right hand to be sworn by the court reporter.

10

We seem to be having some technical difficulties.

11

The Witness. Yeah. My screens just went out.

12

13 Mr. [REDACTED] All right. Let's recess in place really quickly while Mr. Ellis figures
this out.

14

The Witness. Come on.

15

Mr. [REDACTED] There you are.

16

The Witness. There we go. Okay. Sorry.

17

Mr. [REDACTED] All right.

18

19 The Reporter. Do you solemnly swear and affirm under the penalty of perjury
that the testimony you are about to give will be the truth, the whole truth, and nothing
20 but the truth?

21

The Witness. I do.

22

The Reporter. Thank you.

23

24 Mr. [REDACTED] Thank you very much. So this will be a staff-led deposition, and
Members, of course, may choose to ask questions if any of them join. I don't see any on
25 the Webex right now, but I'll let you know if any do pop up.

1 My name is [REDACTED] I'm an investigative counsel, and on the Webex with me
2 today is [REDACTED] also an investigative counsel.

3 So for this deposition, we will follow the House deposition rules that we provided
4 to your counsel previously.

5 Under the House deposition rules, you are permitted to have an attorney present.
6 So, Mr. Ellis, at this time, I'm going to ask your counsel to please state his name for the
7 record.

8 Mr. Smith. Harry Smith for Joshua Ellis.

9 Mr. [REDACTED] Thank you very much.

10 Under the House deposition rules, neither committee members, nor staff, may
11 discuss the substance of testimony that you provide today, unless the committee
12 approves release. You and Mr. Smith will have an opportunity to review the transcript.
13 And before we begin, I'd just like to describe a few ground rules.

14 So there is an official reporter transcribing the record of this deposition, and the
15 reporter is also joining us by Webex. So please wait until each question is completed
16 before you begin your response, and we will try to wait until your response is complete
17 before we ask our next question. It's just very hard for the reporters to hear what we're
18 saying when we're talking over each other on the Webex platform.

19 The reporter cannot record nonverbal responses such as shaking your head, so it
20 is important that you answer each question with an audible, verbal response.

21 For the benefit of the reporter and the record, there also may be times where I
22 spell a name or a word that we're using or that I ask that you do the same.

23 And we ask that you provide complete answers based on your best recollection.
24 If the question is not clear, please ask for clarification. It happens. And if you do not
25 know the answer, please simply say so.

1 Logistically, please let us know if you need any breaks or if you would like to
2 discuss anything with Mr. Smith. We're happy to accommodate.

3 Throughout the deposition, we will be directing your attention to exhibits which
4 will be displayed on the screen, and when we refer you to a document, you can take your
5 time to familiarize yourself with it before we discuss it.

6 So right now, I am going to pull up exhibit 1, do a little test. Mr. Ellis, do you see
7 exhibit 1 on the screen?

8 The Witness. I see the very top of a subpoena.

9 Mr. [REDACTED] Correct. And do you recognize this subpoena as the one that you
10 received from the Select Committee?

11 The Witness. It looks similar. Without comparing the two, I couldn't state that
12 they are the same.

13 Mr. [REDACTED] But you recognize the document?

14 The Witness. Yeah, it looks similar to the one I received.

15 Mr. [REDACTED] Thank you. Okay. So under the House deposition rules, you may
16 only refuse to answer a question to preserve a privilege recognized by the Select
17 Committee.

18 If you refuse to answer a question based on a privilege, staff may either proceed
19 with the deposition, or seek a ruling from the chairman on the objection. If the
20 chairman overrules such an objection, you are required to answer the question.

21 And at this time, I would ask your counsel to please place on the record any
22 objections that he might have, or to make any opening remarks he might have.

23 Mr. Smith. I have no objections or opening remarks to make for this deposition.

24 Mr. [REDACTED] I very much appreciate it, Mr. Smith.

25 And Mr. Ellis, I also want to remind you, as we do with all witnesses, that it is

1 unlawful to deliberately provide false information to Congress.

2 Since this deposition is under oath, providing false information could result in
3 criminal penalties to include for perjury and/or providing false statements. Do you
4 understand?

5 The Witness. Yes.

6 Mr. [REDACTED] Thank you. And one last question, are you recording this
7 deposition, Mr. Ellis?

8 The Witness. No. But I would like a copy of the recording.

9 Mr. [REDACTED] We'll talk to Mr. Smith later about the transcript review process, but I
10 appreciate that you're not recording this. Thank you very much.

11 So we will jump into the substantive questions.

12 EXAMINATION

13 BY MR. [REDACTED]

14 Q Mr. Ellis, how old are you?

15 A Forty-two.

16 Q Thank you. And where do you currently live?

17 A In Antioch, Illinois.

18 Q Okay. And what is your occupation?

19 A I am a sales manager.

20 Q For which company?

21 A Pantera Global Technologies.

22 Q Okay. And do you still run a website known as mymilitia.com?

23 A Define "run."

24 Q Are you the owner of it?

25 A Yes, I own it.

1 Q Okay. Thank you.

2 Were you ever a law enforcement official?

3 A No.

4 Q How about military?

5 A Yes.

6 Q And which branch?

7 A Army.

8 Q Are you still part of the Army in any Reserve capacity or --

9 A No.

10 Q Okay. And what was your rank in the Army?

11 A Private E-1.

12 Q And when did you leave?

13 A 1999, I believe.

14 Q Was that on an honorable discharge, other than honorable discharge or
15 some other circumstance?

16 A Medical discharge. So it's, I believe, filed as neither.

17 Q Understood. Thank you very much. I'm going to turn it over to [REDACTED].

18 Mr. [REDACTED] Sure. Thank you, Mr. [REDACTED].

19 BY MR. [REDACTED]:

20 Q So what I think I would want to do first is sort of walk through your
21 involvement with MyMilitia and then talk a little bit more about the website. And then I
22 will hand it back to Mr. [REDACTED] as we get closer to some of the events of January 6th itself.
23 Although we may return to some of these themes and topics later on.

24 So as a first question, can you tell us when you first became involved in MyMilitia
25 and in what capacity?

1 A I first became involved in MyMilitia when I was organizing the May 1st, 2020,
2 anti-lockdown protests. The owner contacted me because he knew we were being
3 blacklisted on several social media sites and we were being censored on our own website.

4 Q And when you say "you," who are you referring to? Like, was there a group
5 that you were acting as a part of?

6 A I mean, there were lots of people on social media that were participating
7 and helping. I don't know any of them personally.

8 Q Okay. You were not acting as part of a particular militia organization when
9 you were contacted by the owner of MyMilitia?

10 A No. No, not whatsoever. I had, at that time, heard of militias, but only in
11 the context of, you know, the news reporting since, you know, I started watching the
12 news somewhere in the late '80s.

13 Q And can you tell us the owner of MyMilitia at the point prior to May 1st,
14 2020?

15 A Shoot. I cannot remember his name offhand. He went by the acronym
16 Webmaster on there.

17 Q Got it. And what was your interaction --

18 A Yeah.

19 Q Thank you. What was your interaction with MyMilitia before he
20 approached you?

21 A None. I had never heard of it.

22 Q So how were you connected to Webmaster?

23 A There was a gentleman who was helping organize the May 1st stuff that was
24 a member of MyMilitia, and he made the introduction in order to start promoting the
25 May 1st protests on MyMilitia.

1 Q Well, first question I'm going to ask, a clarifying question. Where was the
2 May protest planned?

3 A It was planned at every State capital in the United States.

4 Q Okay. Got it.

5 A As well as two other locations that were not State capitals. L.A. and
6 Chicago.

7 Q And so when did you become involved in planning that nationwide protest?

8 A Sometime mid-March of 2020, right after the lockdowns -- or excuse
9 me -- the shutdowns of restaurants began in Illinois here.

10 Q And so, the rationale behind moving towards MyMilitia was because, I think
11 as you mentioned, activists were being booted from other social media sites?

12 A Yeah. It was another website -- I was reaching out to many individuals
13 throughout the U.S., many individuals were reaching out to me to coordinate and try to
14 help out. I talked to a lot of reporters and other people for that, that were trying to help
15 spread the word. And I honestly looked at it as nothing more than that.

16 Q And this was all still in your personal capacity as someone who was
17 concerned about lockdown measures?

18 A Correct. Yeah. The unconstitutionality of it.

19 Q Got it. So when you were approached by the owner of MyMilitia through
20 one of your fellow organizers, what was the hope of your involvement with the website at
21 that point?

22 A I'm sorry. Can you repeat that?

23 Q What was the hope that you had on May 1st, 2020, about becoming involved
24 in the website? Was it always the plan that you would take over ownership of the site?
25 Was there --

1 A Oh. No.

2 Q Okay.

3 A Yeah.

4 Q So initially what was your role?

5 A Initially, I had no role. It was somebody else's website. They were willing
6 to promote our event, and the gentleman even offered, once our -- once the website was
7 being censored, to host the American Revolution 2.0 website on his servers. And then
8 that -- that is what led to a Guardian article that led to me owning MyMilitia.

9 Q Okay. So can you walk us through that process when you became the
10 owner of MyMilitia?

11 A Sure. Essentially what happened is, there was a Guardian article that came
12 out, attaching me to the owner of MyMilitia, trying to defame me prior to May 1st and
13 essentially call me a White supremacist, which I am not, for the record.

14 And what they did was basically say I knew this guy who owned MyMilitia,
15 Webmaster. He had designed a website for a band, and that band sung German -- what
16 is it called -- German metal music, I think, and because it was German metal music, it
17 might be -- it might be White supremacist in nature. Therefore, he must be a Nazi,
18 therefore, I must be a Nazi.

19 And at that time, he couldn't take the heat because he had a day job. I said,
20 Look, they're already calling me a Nazi because I'm doing anti-lockdown protests. So,
21 you know, what are they going to do, call me a Nazi twice? I'll take ownership of it, and
22 he basically kept the revenue from the website for the next year for payment.

23 Q Can you help me understand the timeline a little better? You said this
24 article came out before May 1st?

25 A Yes. Yeah, it was mid-April.

1 Q So you hadn't had any interaction with MyMilitia or the owner at all?

2 A At that time, I had had very limited interaction with him. Like I said, he
3 offered to put the American Revolution 2.0 website, host it on his servers. He helped
4 redesign a couple of things on there because I was not familiar with how to do non-coded
5 websites, more of the visual -- I forget what -- WordPress.

6 He was more familiar with WordPress websites, so he offered to edit a few things
7 on our website for us since it was hosted on his servers and --

8 Q This was the American Revolution 2.0 website?

9 A Correct.

10 Q Okay. So this was a website that you had started around mid-March when
11 lockdowns and restrictions started happening?

12 A Yes. Yes.

13 Q Okay. So you had limited interaction with MyMilitia between the period of
14 March to early May, when you're describing there was some help with technical parts of
15 the website and things like that?

16 A Yeah. I mean, to be honest, I've always had limited interaction with
17 MyMilitia. Even to this day, I'm the owner, and I don't -- I barely go on there and I pay
18 the bills. That's -- that's about it.

19 Q Understood. So you mentioned earlier that the May 1st, 2020 day was
20 important in your relationship with MyMilitia, and I'm just trying to clear that up because
21 it seems like you didn't own it as of May 1st, but you were already kind of connected with
22 them in March, April. So if you could just clear that up.

23 A No. I became the owner prior to the May 1st, 2020 protest. It was --

24 Q Oh, okay.

25 A -- only a couple days prior to it.

1 Q Got it. So you were the owner as of late April, early May 2020?

2 A Yes.

3 Q Got it. Well, that is helpful.

4 I think what I'd like to do now is ask a little bit about content moderation practice
5 at MyMilitia.

6 A Uh-huh.

7 Mr. [REDACTED] Can I jump in, Mr. [REDACTED] quickly?

8 Mr. [REDACTED] Sure, sure. Go ahead, Mr. [REDACTED].

9 BY MR. [REDACTED]

10 Q Just a follow-up, Mr. Ellis. So you said you have still limited interaction with
11 the website. If you're the owner, who runs the day-to-day operations?

12 A There is an administrator, a senior administrator, that goes by the nickname
13 "Let Freedom Ring." He has a couple of other users. He, himself, is a user of the
14 website, and he has appointed a couple of other users with different levels of moderator
15 power, and they monitor and mediate, you know, do any actions on there that need to be
16 done.

17 Q Do you pay these individuals?

18 A No.

19 Q All right. Do you know their real names?

20 A No.

21 Q How did you meet them?

22 A Online. On MyMilitia.com.

23 Q Okay. On MyMilitia.com. Like through a forum or just you were
24 searching for people to help out?

25 A No. MyMilitia.com is a forum, and I was introduced to them via

1 Webmaster when he was handing things over. He said, these are the people who have
2 been running the website for him.

3 He's basically had that same role of just paying the bills for 2 years prior to sending
4 it over to me. They pretty much took care of everything. So he introduced me on
5 MyMilitia, and that was my interaction with him.

6 Q Understood. And then -- sorry, Mr. [REDACTED]. Mr. [REDACTED] I'll let you -- I know
7 that's your topic, you're jumping into that. I just wanted to follow-up about American
8 Revolution 2.0.

9 So that was -- you started it as a COVID -- focused on COVID issues website?

10 A Well, focused on the constitutionality issues that have been growing in our
11 country.

12 Q So which would those include?

13 A I mean, Second Amendment violations, First Amendment violations. I
14 mean, there's a host of things we can get into individually, but it was meant to be
15 wide-reaching, which is why the name American Revolution 2.0 instead of the -- what was
16 everything else called at that time? Everything else went by, like, anti-lockdown names,
17 and I wanted to keep it more far-reaching. Nothing -- everything was focused on the
18 anti-lockdown at that time, but it was meant to also be able to, you know, lean over into
19 other unconstitutional issues.

20 Q Understood. Thank you very much for the follow up.

21 Mr. [REDACTED] Mr. [REDACTED]?

22 Mr. [REDACTED] Thank you, Mr. [REDACTED]. That dovetails pretty nicely with where I was
23 going next.

24 BY MR. [REDACTED]

25 Q So understanding that MyMilitia was a forum, and there were administrators

1 who ran the day-to-day operations of the site, about how many people were involved in
2 that day-to-day operation when you took over?

3 A When I took over, there were probably six or seven people. I believe that
4 number is smaller now.

5 Q Okay. And these are all -- you spoke about with Mr. [REDACTED] -- anonymous
6 users, or private users, and you don't know their identities?

7 A No.

8 Q Okay. And are they also in charge of removing content that -- well, I should
9 ask an initial question first. Are there terms of service or community guidelines on
10 MyMilitia?

11 A Yes. They -- you are forced to accept them when you first sign up, and they
12 are -- they're accessible on the website.

13 Q Got it. Would you mind running through the contours of those guidelines
14 with us now?

15 A Honestly, they were written prior to me. I know some of the points of it
16 are specifically no call to arms, no calls to action, no hate speech, you know, things like
17 that.

18 Q That's helpful. So how is the policy enforced -- how are these policies
19 enforced rather?

20 A I mean, it depends on the severity of what somebody puts on there. You
21 know, there was a user on there who was talking about doing bad things, and that person
22 was immediately booted off. Somebody who's more vague, and it's, like, something
23 needs to be done, may get a warning that that's not acceptable on the site, you know.

24 So it varies -- it varies greatly depending on what is posted on there. It's usually
25 user-found, whether that person be a moderator or not. If it's a non-moderator that

1 finds it, they report it to a moderator. The moderator then will make the judgment call.

2 Q Got it. So those moderators, is that the same group as the six or seven
3 individuals who are admins, or is there a broader pool of moderators?

4 A No. Sorry. I use those two terms synonymously.

5 Q Okay. So those private users who were given to you as the admins also are
6 responsible for the moderation activity?

7 A Yes, yeah. That is really their primary activity. They have no
8 other -- because it's a forum, it is content that is purely user-created. There's no
9 other -- no other function for them.

10 Q And are there proactive measures that either you or the admin moderation
11 team takes to sweep for violent content, or is it largely reactive to user reports?

12 A We have no ability to do anything more proactive. We're very limited by
13 the software that is the backbone of MyMilitia. So, yeah, it just -- there is no -- there is
14 nothing more really that we can do. We do look for spam accounts, make sure, you
15 know, when people are applying onto the site, I know the moderators, the admins, look
16 into who the person is, you know, via other social media, if we can find a link. And, you
17 know, if they seem straight-out crazy, they aren't even allowed on.

18 Q Understood. So do you have to provide identifying information or contact
19 information to make an account with MyMilitia?

20 A An email address really is about it. In the early stages, we did allow the
21 option to also post your address, your phone number, things like that, until antifa started
22 doxing a lot of our members and posting that personal information online. Then we
23 shut off that functionality so that people can't even do that.

24 Q Okay. Got it. In terms of this conversation about removing posts that
25 might be in violation of the guidelines, were there internal documents to help moderators

1 determine whether or not something was in violation?

2 A To be honest with you, I don't know that answer to that question.

3 Q So are you involved in the content moderation process at all --

4 A No.

5 Q -- or they make the final call?

6 A I'm not involved at all.

7 Q Okay.

8 A I literally go on there when they tell me something needs to be paid or
9 something needs to be removed, software-wise.

10 Q Got it. So the escalation process, so to speak, for illegal or prohibited
11 content, is just that typically a user will report something or a moderator flags something,
12 then moderators review that content and they decide, essentially?

13 A Correct.

14 Q And are there -- you mentioned this earlier, but are there different layers of
15 enforcement? So, for example, can you remove a user as opposed to just removing a
16 post? Can you suspend a user?

17 A Yes. I do know they can remove a post, and there's a warning point
18 system. I don't -- don't ask me to get too in-depth in that, but there's a limit to how
19 many points they can get before they're put on a -- I think it's a suspension. It might be
20 completely removed.

21 They can be suspended for a short period of time. They can be suspended
22 completely. Yeah, there are different levels.

23 Q Got it. And are there private groups or private pages on the forum that are
24 invite-only?

25 A I mean, the entire website is that way now, because --

1 Q Sure. But within the website?

2 A -- we're constantly attacked.

3 Q Right.

4 A Well, yeah, I mean, you set up your own little groups, and only the people in
5 those groups are allowed in those groups, except for the administrator. So if somebody
6 in that group were to report something that happened in that group's chat, then an
7 administrator could go look at it and make the call on --

8 Q Okay.

9 A -- that type of thing.

10 Q That was my next question. I was going to ask if the administrators can get
11 into those private groups. But there's really not a lot of proactive -- is there a lot of
12 proactive monitoring of those groups, or is it --

13 A No.

14 Q -- more or less the admin? Okay. Okay.

15 A Yeah, no, there's -- there's no proactive. Only the public chats are, you
16 know, publicly monitored by the admins. They don't really go into the private chats
17 unless something is reported.

18 Q Okay. Got it. And those private chats are typically chats from individual
19 militia groups throughout the country?

20 A I would assume so, but I don't know because I'm not involved in any of
21 those.

22 Q Okay. And one more question on this particular line of questioning.
23 Were there ever instances where MyMilitia needed to communicate with law
24 enforcement about potential calls for violence or coordinated activity?

25 A As far as I understand, the previous owner was contacted by law

1 enforcement in previous cases of, you know, X members committing crimes.

2 One particular instance -- I don't remember the gentleman's name, but it wasn't,
3 you know, that many years ago -- I guess law enforcement raided his house. There was
4 some kind of shootout that went on. And he had, at one point, been a member of
5 MyMilitia, so -- but he had been booted from MyMilitia for extremist talks way prior to
6 that.

7 And they contacted him. I don't know what happened after that. I simply
8 heard that he had been contacted.

9 Q Okay. Got it. But in your time as owner, you were never contacted by the
10 FBI, and you never --

11 A No.

12 Q -- reached out to the FBI?

13 A No. There was never any need.

14 Q Understood. And if there was concerning content, how did you evaluate
15 whether there was a need to escalate to the FBI?

16 A I mean, there had not been any concerning content of that nature. Usually,
17 the only case I can think of that might have gotten to that level was a gentleman that
18 went by the nickname, Dionysus, that was in papers.

19 He was talking about doing something to cell phone towers, and people told him
20 he was an idiot, and then he was booted from the website.

21 Q So are you --

22 A It was never anything to the level of concern that he might actually do
23 something because it was clear that he was an idiot.

24 Q Are you looped into those conversations, or it's just the admin, like, who are
25 flagging the content and then they move on?

1 A The admins pretty much do it. I wasn't aware of that one until that one hit
2 the newspapers --

3 Q Okay.

4 A -- that he did something completely different and had nothing to do with
5 what he was talking about on our website.

6 Q Okay. That's helpful.

7 Mr. [REDACTED] unless you had any questions on that, I'd move on to -- no? Great.

8 So I want to talk little bit about the growth of MyMilitia over the course of your
9 tenure as ownership. How would you say MyMilitia expanded from, let's say, April, May
10 2020 through the rest of the year?

11 A I mean, registered users, it grew significantly. A large chunk of them were
12 antifa spammers, things like that. So how many -- how much of that growth is real
13 growth, I couldn't say. We were hit with, you know, DDS -- what are they called -- DDS --

14 Q DDoS?

15 A -- yeah, that's it, DDoS attacks, lots of spam accounts, spam posting, things
16 like that. So I couldn't say how much of that was legitimate growth and how much was
17 spammers or, you know, whatever. The new term is bot accounts or whatever, but,
18 yeah, I mean, since -- since, well, I would say since sometime in November of -- no, no,
19 what was that -- November '21, growth significantly dropped to almost nonexistent.

20 Q Okay. So from November '21 to present, there's been little growth but in
21 the period until then, there was some growth?

22 A Yeah. And a large part of that was due to the media coverage on things I
23 was doing, you know, the connections I was making outside of it, and, you know,
24 dropping the name as far as a good place to meet other -- other patriots who, you know,
25 want to make sure that we remain a constitutional republic.

1 Q Can you -- I would love to get into that more. Can you give a sense of
2 numbers before we move on?

3 A Last I had heard, total registered users, again, including, you know, potential
4 spam accounts, is somewhere in the neighborhood of 30,000.

5 Q And when you took over, did you have an idea of how many there were?

6 A It was closer to 20,000.

7 Q Okay. So almost a third increase. Not sure if I'm doing that math right,
8 but thank you for the numbers.

9 And in terms of legitimate conversation that was on MyMilitia, not bot accounts,
10 how did that evolve over the course of 2020? Were there different issues that the
11 forums were dedicated to?

12 A I know there were different forums on different topics. Not sure other
13 than that what you're looking for as an answer.

14 Q Oh, I was curious about spikes in activity around particular topic areas -- so
15 when you joined, I would imagine there was a lot of content around COVID-19
16 protests -- if there was then subsequent content about protests that were occurring over
17 the summer in response to Black Lives Matter protests, and if there were later activity
18 around the run-up to the election and the aftermath. Curious about how you perceived
19 those changes to the site.

20 A Yeah. I mean, I think as the national conversation changed, it was reflected
21 in the forums as well. I mean, I couldn't point you to any specific numbers, you know,
22 saying that, but, you know, it is a forum run by -- run essentially off of the content of
23 citizens of the United States.

24 So as the, you know, as the national conversation changes, it's only natural that it
25 would reflect as well on the website.

1 Q Right. So I would like to ask now about how MyMilitia was functioning
2 during that time period, say, March/April 2020 to January 2021. Was it being primarily
3 used by particular militia groups or individual users who were not associated with
4 militias? Do you have a sense of that sort of dynamic?

5 A No. I really don't. The promoted use of the website is a place to be able
6 to find a local group, whether it be a militia, a -- what's called a MAG, a mutual assistance
7 group, a prepper group, or anything of the sort, to find another like-minded group of any
8 kind, and to be able to then take that conversation into the real world.

9 You know, we were very explicit that you do your own vetting of people, you
10 know, so those conversations are to be taken offline and done in person.

11 Q And so was there the ability to link up for a particular event?

12 A Sure. I mean, people could post that they were having a training exercise
13 or a class. We had one particular gentleman who, I don't remember either his real
14 name or his handle, it's been so long, but he ran, you know, gun classes, you know,
15 firearms instruction, and he would post when he was having classes.

16 So I mean, you can post that you have just about anything, and, again, the
17 moderators do the same thing with those as well. If they're anything that's a call to
18 action, then those events would be deleted as well as the person doing it, depending on,
19 you know, obviously the severity of it.

20 Q That's good context. And you mentioned call to arms earlier in the
21 conversation. You said call to action. I'm assuming that refers to generally the same
22 content. But I'd be curious to hear more about how that's defined for the moderators.

23 A Yeah, I would say call to negative action being what I'm using in those terms,
24 but similar to call to arms. There's no -- you know, you want to promote that you're
25 having a peaceful picket protest, by all means. You're going on there and saying, try to

1 do some -- what was that group called in Michigan? But something like that, yeah,
2 absolutely, no.

3 Q The Wolverine Watchmen?

4 A Yeah, yeah. Yeah, that's the group.

5 Q So was that difficult for moderators to define when there's something like
6 firearms protests -- firearms trainings when there's obviously use of lethal force involved?
7 How did that determination work?

8 A Well, I mean, it depends on what is posted on the site. If somebody were
9 saying, we're doing a Second Amendment protest such as happened in Virginia prior to
10 my owning it, that's completely legal. It's a Second Amendment protest, using your First
11 Amendment right. That was a completely peaceful protest. I mean, from my
12 understanding and videos that I've reviewed of the incident, that area was left cleaner
13 than they found it.

14 So, you know, that -- that, no, there wouldn't be any censorship of that. You
15 know, again, under my tenure, I haven't had anything, any calls to action that were
16 violent, so -- or aimed in that way. So I couldn't give you an example of, you know,
17 something that happened otherwise. But, yeah, if it was, we would get rid of it.

18 Q Okay. Is it possible to take down an event? Let's say there's an event
19 that's, as you said, Second Amendment protest, exercising First Amendment rights, and,
20 perhaps, the initial poster does not say anything that would fall under the definition of
21 call to negative action, but a lot of the comments do fall under that definition. Would
22 you be able to remove the event as well as the comments --

23 A If it was --

24 Q -- would you want to?

25 A -- if it was leaning that the entire event was going that way. For example,

1 when I didn't own it, we set up the May 1st protests, there were people on
2 MyMilitia -- I'm assuming there were people on MyMilitia -- I don't recollect exactly, I
3 know there were people on Facebook, calling for coming out with firearms. And that
4 was specifically listed as something that you were not allowed to do.

5 It was a protest for anti-lockdowns, and we didn't want to mix messages. It was
6 one message that we were trying to get across. We weren't trying to make it also a
7 Second Amendment protest at the same time.

8 So, you know, in that sense, comments were removed from, you know, say,
9 Facebook, but the event wasn't, you know, wasn't removed.

10 If it's going in a direction where I would imagine, because we're speaking
11 completely hypothetically here, where comments were going in a negative direction and
12 the organizer was starting to go that way instead of shutting them down, then, yeah, the
13 event hypothetically would be removed in that case.

14 Q Right. And, again, it's up to the organizers of events or networks to police
15 their own pages as you mentioned earlier?

16 A No. When you post something like that, it would be posted publicly, so
17 something like that would be -- would be a different story.

18 Q Okay. That's helpful.

19 A There would be no point in posting something to promote it privately.
20 You're not going to be promoting anything at that point.

21 Q Right, right, right.

22 So were you ever aware of large militia networks -- Oath Keepers, Three
23 Percenters -- utilizing the platform to recruit members or promote events?

24 A Not specifically any -- any, you know, any of the groups that you named. I
25 know militias were recruiting on there. That was the entire point of the site. People

1 would go on there to find militias as well.

2 Q So basically, if there was a person in New Jersey, they'd be able to search for
3 militia groups that were active in that area?

4 A Yeah, exactly. And they could then connect up, and then -- you know,
5 usually the recommendation from the website was then connect offline to actually vet
6 each other, because as an individual, you know, person looking for a group, you want to
7 make sure that you're not accidentally hooking up with, you know, a White supremacist
8 group. And as a group, you want to make sure that you're not hooking up with a person
9 that is a White supremacist or some extreme nut job.

10 Q That actually brings up another question I had about groups, and how you
11 were keeping track of the groups that were on the platform. Was there an effort on
12 your end, MyMilitia's end, to vet the groups that were making pages or private pages on
13 the platform?

14 A Not proactively, no. You know, primarily it was an
15 as-something-was-noticed scenario. So if something, you know, came up that was not
16 in line with what the site believed, the previous owner and myself believed that a militia
17 was supposed to be, then that could be grounds for the entire group being removed.

18 Q Okay. So it's a similar dynamic with the individual users and individual
19 posts?

20 A Correct.

21 Q Were there ever any militia groups that were removed, or groups claiming to
22 be militias, that were removed during your tenure as owner?

23 A I know there were. I don't know who they were or the specifics of why, but
24 I know there were.

25 Q And -- or those groups who might be in violation, are there particular metrics

1 that go beyond the community guidelines for individual users that are part of these
2 groups? For example, groups espousing White supremacy, neo-Nazism, that kind of
3 thing, or is it more of a case-by-case, content-based analysis?

4 A Well, as I said when you were asking about the terms of use, the hate speech
5 is something that is not allowed on the website, so whether that be an individual user or
6 a group. So something -- something along those lines would get a group banned just as
7 quickly as it would get a user banned.

8 Q Okay. I guess my -- that is helpful. My question is more about whether
9 there's a group that is known to be a White supremacist-organizing militia, in, you know,
10 we'll use New Jersey again, and then there's no posts in that New Jersey White
11 supremacist group that indicate anything hateful, they're just talking about a protest, and
12 it wouldn't otherwise violate the terms of use. Would you be able to take action against
13 that group because they're kind of skirting the content moderation guidelines?

14 A I mean, if we knew they were a White supremacist group, yes, absolutely,
15 they would be banned anyway. Just part of a lot of times the research that goes in, the
16 militia community talks amongst each other. They all, you know, all the leaders know
17 each other in one way or another. Most of them have been in the same group at one
18 point in time.

19 So if a group comes along that is, you know, is known by one group to be a White
20 supremacist group, it'll end up getting around that it is and they would not be allowed.

21 Q So to your awareness, did the Proud Boys ever have a page on MyMilitia?

22 A Not to my -- not to my knowledge did they ever, but they're not a White
23 supremacist group.

24 Q And what about the Southern Patriot Council?

25 A Are they the ones who did that shield march?

1 Q I couldn't tell you.

2 A I don't know. Yeah, I'm not as familiar with who they are. If they're a
3 White supremacist group, they wouldn't be allowed on. If they're not, then, yeah, I
4 don't know there's a problem.

5 I'm just thinking of a group I did research and found out, you know, just in reading
6 their own doctrine that they are extremely White supremacist, so. And they were in the
7 news 6 months ago or something like that with some protests they did, and there was a
8 bunch of questioning of whether they were or not.

9 Q So as we -- I just have a couple more questions, then I'll hand it back to
10 Mr. [REDACTED]. As we get closer to the election, fall of 2020 --

11 Mr. [REDACTED] Actually, Mr. [REDACTED] can I follow up on a couple of things before you
12 do that?

13 Mr. [REDACTED] Oh, sure.

14 Mr. [REDACTED] Sorry about that.

15 BY MR. [REDACTED]

16 Q Mr. Ellis, you mentioned that -- and I might've misheard you -- you said
17 leaders of militia groups tend to know each other because they've been in the same
18 groups. Can you explain that dynamic a little more?

19 A Well, I mean, just as one example -- oh, what was that group? Oh, shoot.
20 Hey, shush. Sorry. Dog. I knocked on the table. One sec.

21 Q I have a dog, too. So if I were home, same thing would be happening.

22 A Yeah. I just knocked on the table with my fingers, and he thought it was
23 somebody knocking at the door. Man's best friend, but not the smartest.

24 Sorry, could you repeat the question?

25 Q Yeah, sure. I thought I heard you mention that leaders of militia groups

1 tend to know each other because they've been part of the same groups, so I was
2 wondering if you could just expand on that?

3 A Sure. The example I give is, there was a group called Three Percent
4 Security Force. God, what was the guy's name? Chris --

5 Q Chris Hill?

6 A Yeah, Chris Hill. It was an extremely large organization with branches in
7 many, many States. When that group fell apart, many of the leaders of the States just
8 started their own thing. They still knew each other from that group.

9 A Again, that group was before my time with MyMilitia, but I talked to several
10 leaders that knew of each other and knew each other through that group and, you know,
11 had heard of groups dissolving and splitting and, you know, things like that. So, yeah,
12 it's a small community, that people know each other.

13 Q So the Three Percent Security Force was a national organization?

14 A To my knowledge, yes. Again, it was before my time.

15 Q All right. And you said that people started their own State chapters of the
16 Security Force?

17 A I don't know how the dynamic of that worked. I just know that there were
18 State chapters of that group --

19 Q Okay.

20 A -- that when the entire group dissolved, became different groups.

21 Q Understood. So Three Percent, as you probably know, is sometimes a
22 loose term. It can be an ideology that people just wear a patch, or it can describe
23 groups. To your knowledge, how many, like, Three Percenter groups are there that
24 organize themselves as part of this Three Percenter idea?

25 A Well, to my knowledge there was only ever one group that claimed to be

1 Three Percenters, and they get nicknamed the Original Three Percent. And they were a
2 merchandising organization. They sold merchandise. Anybody could sign up as a
3 member of it and would get a discount on merch.

4 They were not a militia. They didn't have, you know, any organization, to my
5 knowledge. I believe that website has been taken down, and to my knowledge, the
6 group itself, what was there, is no longer existing.

7 There are lots of groups that use the name Three Percent in their name, but they
8 have no connection to each other. They're not organized whatsoever. Three Percent
9 is an ideology, other than that one merchandising group.

10 Q Okay. But you did mention that some of the leaders in some of these
11 groups might know each other if they were part of a larger group that, you know,
12 splintered apart, correct?

13 A Oh, sure. I mean, but to know each other, like, you know, I know people
14 that I think are assholes. You know, to know each other doesn't mean you like each
15 other or do anything together.

16 Q Got it. And the Three Percent Security Force, though, that's one of those
17 that you were mentioning, it has Three Percent in its name, but that doesn't necessarily
18 mean that Three Percent Security Force and a Three Percenter Guardians of Freedom in
19 Florida are part of the same national umbrella?

20 A Right. Yeah. Just slapping Three Percent on your name doesn't mean
21 anything.

22 Q Got it. Well, thank you very much for that. We might come back to that a
23 little later. I also wanted to follow-up -- I'm sure you've seen public reporting about this,
24 that Rolling Stone reported about mymilitia.com, that some people said things like, This is
25 the last -- referring to President Biden's election -- This is the last bloodless coup measure

1 to be taken. There's nothing peaceful after this. Go find a history book. After this, it
2 gets bloody because there's nowhere else to go if the courts fail.

3 Are those things that would've fallen within your ban on calls to action or ban on
4 calls to arms?

5 A I didn't hear anything in there that was a call to action or arms.

6 Q Okay. So discussions about possible revolution or rebellion against the
7 Federal Government, were those fair game?

8 A I mean, if you're discussing, you know, committing a revolution, if you're
9 talking historically, which is what those -- you know, talk sounded like to me, you know,
10 once a coup has ever been -- ever happened in any, you know, previous -- previous
11 government structure, usually a revolution is shortly thereafter.

12 So I mean, predicting what's going to happen based on the past is very different
13 than saying, Hey, let's grab our pitchforks and, you know, march.

14 Q Right. So you would differentiate between people making sort of
15 assessments of what's going on versus statements of what they're about to do?

16 A Correct.

17 Q Okay. So if someone said -- talking about, like, declaring a war on antifa
18 and that hunting season is going to be great, where would that fall?

19 A Declaring a war on antifa? I thought antifa wasn't a real organization,
20 but -- sorry, I don't mean to be a --

21 Q I understand. This is, again, somewhat hypothetical, but --

22 A Yeah. I mean, if someone were to say that they were declaring a war on
23 antifa, again, it would go to context. You know, I am a salesman by trade, and I go to
24 war every day with my competitors. So, you know, it doesn't mean I'm, you know,
25 launching things at them or, you know, anything like that or am trying to harm them

1 physically.

2 It just simply means I'm trying to take them down. So there's a lot of contextual
3 meaning that could go there. So depending on the context, there could be different
4 answers to that, you know.

5 Q Understood. That's a fair answer.

6 Mr. [REDACTED] Mr. [REDACTED]?

7 Thank you, Mr. Ellis.

8 The Witness. Uh-huh.

9 Mr. [REDACTED] Thanks, [REDACTED]

10 BY MR. [REDACTED]

11 Q One follow-up on that, Mr. Ellis. Would you say that, generally, this call to
12 arms requirement would require a specific target or a specific event in order to be
13 disqualifying?

14 A I mean, we're talking hypothetically because it never happened, so I, you
15 know, I don't know specifically. It's judged on a case-by-case basis, though.

16 Q Okay. Well, we'll have the opportunity to get into some more of that later.
17 For now, I was going to ask -- well, first of all, I was going to ask if you ever were
18 involved in conversations with any of these militia leaders yourself?

19 A I mean, I was involved in conversations, not on MyMilitia, on Zello.

20 Q Okay. In your capacity as owner of MyMilitia, in terms of leaders speaking
21 with you about how they might use the site, was there ever that sort of conversation?

22 A No. No. It was -- it was in my capacity as a public figure in the
23 constitutional fight.

24 Q Okay. What do you mean by "constitutional fight"?

25 A I mean telling people that, you know, they have to wear masks, they have to

1 have vaccines, they have to shut down their businesses, you know, they have to limit how
2 many people are in there, those kinds of things.

3 Q Okay. So, again, moving back towards the time period in the run-up to the
4 election, did you notice an increase in activity on MyMilitia in September, October 2020,
5 related to the election?

6 A I did not. I was -- I was involved with other things at that time, and as I
7 said, I didn't really -- never have really moderated anything on MyMilitia.

8 Q And did MyMilitia have a particular posture on discussions of election fraud,
9 the legitimacy of the election, that sort of thing?

10 A MyMilitia did not. Individual users did.

11 Q But, again, going back to the conversation with Mr. [REDACTED] none of that
12 content would've been removable unless there was a specific violent call to action related
13 to the election?

14 A Correct. Yeah, it would fall under freedom of speech.

15 Q Got it. So --

16 A Sorry. It's really hard to be pro-Constitution and then, you know, saying,
17 Hey, you're not allowed to talk about certain subjects. You know, calling -- saying, Hey,
18 you can't commit a crime on our website and plan a crime on our website, absolutely.
19 But, you know, yeah, it's -- it's an area where we're just not going to cross.

20 Q Understood. Was there ever any effort to increase content moderation
21 activities in the run-up to the election? Any worries about potential use of the website
22 for violent mobilization?

23 A No. I mean, we were -- as far as I understood it, there wasn't, you know,
24 that large of an increase in -- in users posting things that needed moderation. So, it was
25 still being handled perfectly fine, and so there was no need to increase moderation, yeah.

1 Q You also said that the content moderation team was six or seven people
2 when you took over, and now is smaller. When did that shrinking happen?

3 A Grad- -- I mean, over time we've lost a couple people. We've added a
4 couple of more people. We've lost a couple people. It's not that much smaller. It's
5 maybe 5 right now.

6 Q Okay. And would you say that occurred in 2020? 2021?

7 A All throughout. I mean, probably the largest chunk of loss was end of April
8 in 2020 when Facebook shut down a lot of stuff because we had moderators who did a
9 little bit of moderation on MyMilitia, but they were more responsible for the Facebook
10 page and Facebook groups.

11 And when those left, those people said, You know what, there's not enough to
12 moderate on MyMilitia, so I'm just not really going to be a moderator, I'm going to step
13 down.

14 Q Okay. Makes sense. And we're going to get to the January 6th run-up in
15 a moment, but I wanted to ask in the immediate weeks following the election, was there
16 activity on MyMilitia about armed protests or protests at vote centers or other county
17 seats of election or State capitals related to protesting the results?

18 A Not that I was aware of, no.

19 Q Okay.

20 Mr. [REDACTED] All right. Well, I think we're kind of getting into the January 6th
21 run-up territory, so I will pass it back to Mr. [REDACTED] but I will have questions throughout.
22 So, thank you, Mr. Ellis.

23 Mr. [REDACTED] Thank you, Mr. [REDACTED].

24 BY MR. [REDACTED]

25 Q So I want to return, Mr. Ellis, quickly to the Three Percenter -- I think you

1 said Three Percent Original, that national organization. Can you tell me again, why did
2 you call them a merchandising group?

3 A Because they sold merchandise. I mean, they -- they were -- they were not
4 interested in, to my knowledge, and based on what I researched of them, again, when I,
5 you know, started learning about them was after they were no longer around. But to
6 my knowledge, they were -- they were more interested in the money than any particular
7 constitutional issue.

1

2 [11:34 a.m.]

3

BY MR. [REDACTED]

4

Q So you only found out about them I guess after -- it would have to be after

5

January 6, 2021, then, when they left the --

6

A Is that when they closed? No, I had found out about them prior to that,

7

but I didn't realize they were still open at that point then.

8

Q Oh, sorry. Okay. So I'm going to show you, if I can figure it out,

9

something that they posted. So this is an archive -- can you see the screen, first?

10

A Yes.

11

Q Okay. So this is an archived website from the threepercenters.org. Is this

12

what the TTPO, is that how you would recognize the Three Percenter original?

13

A I think it's the same organization. Yeah. The threepercenters.org, yeah.

14

Q Great. So you see up at the top right, it's December 16, 2020, and this --

15

A Okay --

16

Q -- stance on election fraud.

17

Did you ever see this message?

18

A No.

19

Q Okay. Did anyone on mymilitia.com ever talk about it, to your knowledge?

20

A Not to my knowledge.

21

Q And you don't know if it got posted there?

22

A I don't.

23

Q Okay. Thank you. And then here's another -- this is exhibit 3. So this is,

24

as you can see, a general call to action. It's the Three Percenter original logo again:

25

Coming to the Washington, D.C., rally on January 6th.

1 Did you ever see this message?

2 A I have not.

3 Q Do you know if it got posted on mymilitia.com?

4 A I don't.

5 Q And you don't know if anybody discussed it?

6 A Not to my knowledge, no.

7 Q Thank you very much.

8 So, in terms of January 6th then, do you remember when you decided to attend
9 the rally?

10 A I was never planning on attending the rally.

11 Q Do you know when you decided to go to Washington, D.C.?

12 A Immediately after December 12th, whenever it was announced that there
13 was going to be another event in January.

14 Q Okay. Did President Trump's messaging have anything to do with your
15 decision to go to Washington, D.C.?

16 A Honestly, no. I mean, I stated as such, but no, I was planning to go long
17 before he said anything.

18 Q Okay. Are you aware of his December 19th tweet calling -- asking people
19 to come to D.C. for a wild protest?

20 A Yes. I think he said, you know, things are going to be wild.

21 Q Yeah. And that, for the record, did not affect your decision to go to
22 Washington, D.C.?

23 A No, not at all.

24 Q Were you talking to other people about going to Washington, D.C., for
25 January 6th?

1 A Yes.

2 Q Did a lot of them talk about the tweet, the December 19th tweet?

3 A In some manner or another, yeah. Usually our discussions, a lot of them
4 were around the QAnon nuts.

5 Q Can you explain that?

6 A I and many people that I talked to were not a fan of the QAnon theories.
7 They -- I've spoke out against them several times, and I just am not a -- not a fan. But
8 there were multiple theories that would go around, such as, you know, JFK coming back
9 in a DeLorean is how I always put it in order to help Trump save the evil empire from
10 taking over America.

11 Q Okay. So I'm going to try to unpack that a little bit, just to clarify. It
12 sounds like then you did notice an increased conversation about January 6th after the
13 tweet. Is that correct?

14 A Yeah, yeah.

15 Q So were people talking about President Trump calling them to Washington,
16 D.C.?

17 A I mean, yeah, for a rally.

18 Q Right. Were people talking about patriots being called to Washington,
19 D.C.?

20 A I'm sure that word got used as well, yeah.

21 Q And then so back to the QAnon thing. Were a lot of the people who
22 interpreted this tweet, to your knowledge, were they talking about QAnon theories?

23 A I mean, I couldn't say yes or no on that. What we -- what me and others of
24 like mind discussed were those people, though, because that was -- that was of particular
25 amusement.

1 Q I'm actually going to share something that I wonder if you had seen. Give
2 me one second. I want to make sure I have the right number. Did you ever see this
3 post?

4 A No.

5 Q Okay. I was wondering if this was one of the QAnon things that you were
6 talking about. So you see the hashtag We Are the Storm?

7 A Yeah. That immediately registers as a QAnon thing, but --

8 Q So was anyone that you were in discussion with about January 6th talking
9 about occupying the Capitol?

10 A No, no. The people I was talking to were talking about that evening, not
11 during the day.

12 Q Oh, that evening, meaning?

13 A Meaning the evening of January 6th. Nothing during the day.

14 Q Were they talking about occupying the Capitol at night?

15 A No, no, no. Primarily, the group that I was involved in was talking about
16 organizing for medical treatment of people because we had seen what happened on
17 December 12th. A lot of people were pepper sprayed, beaten, injured in some way or
18 another. And, you know, trying to assist those people, that was our primary objective
19 on the evening of January 6th. I wasn't even planning to arrive until 4 or 5 o'clock that
20 day.

21 Q But you were expecting some sort of violence to happen?

22 A In the evening with antifa, yeah, because that had been the normal from the
23 two prior events. They had stabbed people, chased people down, beaten people on the
24 way back to their hotel rooms from the event. So that was our primary objective was
25 making sure that people got back to their hotels safely and nobody got injured.

1 Q And the people you were talking to, are these -- who are these people?

2 A A group of people throughout the U.S. I mean, there were -- to my
3 knowledge, some of them said they were Proud Boys. Some of them said they were
4 Oath Keepers. Some of them said they were militia. Some of them said they were,
5 you know, just regular, you know, regular Joes, regular patriots.

6 Q And how were you communicating with them?

7 A Through Zello.

8 Q Okay. We will come back to Zello, I think, so I just wanted to follow up
9 quickly about the December 19th tweet, but we can put a pin in that. So thank you very
10 much.

11 The last question on this one right now: Do you know who this -- the symbol I
12 can represent to you is like MAGA Drag the Interstate. Have you heard of that
13 organization?

14 A No.

15 Q So you don't know where this post came from then?

16 A No. I've never seen this post.

17 Q Understood. All right. So, in terms of the January -- the December 19th
18 tweet by President Trump --

19 A I mean, this -- this says all 50 States.

20 Q Sorry. I'll go back to that for you in a sec. Right. So there -- that's the
21 U.S. Capitol in the picture.

22 A Yeah.

23 Q "Occupy Capitols," it's plural. So it's more than just Washington, D.C., it
24 seems.

25 Then, in terms of the December 19th tweet, just to finish this up, so we found,

1 through some public reporting, you can see the -- this is exhibit 5, by the way, the URL is
2 from MyMilitia. It's a forum. The topic is: Trump calls for wild rally January 6th.

3 And it looks like Let Freedom Ring --

4 A Uh-huh.

5 Q -- is over here. Would this mean that Let Freedom Ring was the
6 administrator of this forum?

7 A One of, yeah.

8 Q Does that mean -- sorry for my ignorance. Does that mean Let Freedom
9 Ring set this forum up?

10 A I have no idea. There's not even close to enough information on there.
11 That post I believe, from the way it's set up, would be from him.

12 Q Got it. Were you aware of people on mymilitia.com talking about President
13 Trump's December 19th tweet?

14 A No. I was not on mymilitia.com at the time.

15 Q So you see these numbers under Let Freedom Ring. Do those have
16 anything to do with this post, or are those other -- do those numbers signify something
17 else, besides the area code, obviously?

18 A I know they signify something. I just don't know what they signify. I could
19 guess, but I could be completely wrong.

20 Q Okay. But, to your understanding, these numbers are not connected to the
21 post itself?

22 A No.

23 Q So it's not like Twitter where -- so, unfortunately, with this limited
24 information, we can't tell how much interaction this post had, correct?

25 A Yeah. Other than what you're showing me, that's all I know.

1 Q Okay. I'll stop sharing this then.

2 So, aside from violence, potential violence and, you know, reacting to that
3 potential violence on January 6th, did you think anything else would happen, such as the
4 certification for the vote for President Biden getting stopped?

5 A No. Like I said, I specifically scheduled to be in Kenosha the night before
6 and was not planning to arrive during the day because, in December, it was boring as hell
7 during the day. I'm not a fan of the flag-waving rallies. I'm much more interested in
8 making sure people get back to their hotel without getting stabbed.

9 Q Right. And forgive me if I missed this. I was dealing with something when
10 Mr. [REDACTED] was questioning you.

11 Did you believe the election was stolen from President Trump?

12 A I believe there is fraud in every single election. Our country has not had a
13 single election in probably a minimum of 20 years that was 100 percent accurate. Other
14 than that, hell if I know. All the facts would indicate that there was funky stuff going on.
15 People I talked to that were moderators on the election have reported things that they
16 saw that lead me to believe there was -- there was fraud that happened. Whether that
17 changed the results of the election or not, I have no idea.

18 Q So, in those Zello chats you were talking about, were people discussing the
19 possibility that the election would not be certified for Joe Biden on January 6th?

20 A That it wouldn't? Oh, yeah. I mean, there was discussion that Pence
21 would step in and stop the whole thing, that he would come in and -- what was he
22 supposed to do? He was supposed to come in and not certify some of the State votes
23 and then -- but certify other ones. And I don't remember exactly -- exactly how it
24 worked. This was, you know, over a year ago. But, yeah, it was basically Pence would
25 be the one to stop it.

1 Q And what if that didn't happen? Were people talking about plans for after
2 this if Vice President Pence, you know, certified the vote for Joe Biden?

3 A I mean, there was -- there were no plans that I was aware of as far as, you
4 know, any actions after that. You know, of course, there's, you know, talk of how the
5 country is dead at that point.

6 Q Was there talk about what people could do to stop the certification anyway?

7 A No.

8 Q Okay. What were you personally hoping would happen on January 6th?

9 A God. I don't know. I really didn't believe that Pence was going to do
10 anything. I really didn't believe the rallies and protests were going to change anything.
11 I had watched a year of them doing nothing, you know.

12 And basically I was -- I had been on record saying the protests were just a place to
13 meet new people, meet new likeminded people. Otherwise, they were absolutely
14 useless. And, therefore, my attention, honestly, wasn't on it, and I wasn't interested in
15 it. As I said, I wasn't even planning on showing up.

16 Q Understood. So back to a little bit that you were expecting some violence.
17 Were you aware that on mymilitia.com people were sharing intel? I'll say those are the
18 words that they used about, you know, buses of antifa getting brought into D.C. or taken
19 out of D.C., propane tanks being left around, that kind of stuff.

20 A Not on MyMilitia. On Zello, I was aware of that.

21 Q Okay. And where was that information coming from?

22 A Random people. I mean, a lot of it was nonsense. We, you
23 know -- there's so much disinformation and nonsense. I had somebody go around that
24 had arrived a couple days early and going around town with a video camera to dispel all
25 of that.

1 Q You hired somebody to do that?

2 A No, not hired. We had somebody who had arrived a couple days early.
3 They were taking -- they were combining that along with a vacation, and, therefore, just
4 asked them to go around and prove that all this was nonsense.

5 Q Understood. And then were you talking on Zello about caravans to
6 Washington, D.C.?

7 A About caravans. What do you mean?

8 Q Groups of cars going to D.C., buses going to D.C., people picking each other
9 up along the way.

10 A Prior to January 6th?

11 Q Yes.

12 A No.

13 Q So I'll just share something with you to see if you've seen it. So these are
14 Twitter posts from a Dr. ENoCH. You can see the handle is elenochle. ENoCH is spelled
15 capital E, capital N, lowercase o, capital C, capital H.

16 A Okay.

17 Q On December 24th, 2020, this user posted this map where people would
18 meet up to get to Washington, D.C., for January 6th. And I'll just scroll down quickly.
19 You see there, you know, zoomed-in maps for different routes with times where people
20 would meet up.

21 Were you aware of any of these posts prior to January 6th?

22 A No, I was never a big Twitter user. I still am not.

23 Q So you do not know who Dr. ENoCH is then?

24 A I've never heard that name before, no.

25 Q It never came up in the Zello chats?

1 A No, not to my knowledge.

2 Q Okay. And then this is exhibit 8. This was another thread posted on
3 mymilitia.com. It's somewhat similar. You'll see the map with groups of people
4 meeting up in D.C. on January 5th at 6 p.m. The post is called MAGA_Calvary, to
5 connect patriot caravans to "stop the steal" in D.C. Have you seen this post before?

6 A I have not.

7 Q Was this discussed in Zello at all?

8 A No, not in any of the groups I was in, I mean.

9 Q Do you have -- well, right. Sorry.

10 A I'm sure somewhere on Zello it was, yeah.

11 Q To the best of your knowledge, do you have any idea what these -- you
12 know, there's Cowboy, Rebel, Minute Man and Yankee? They seem to be different
13 areas of the country. Do you know who these groups are?

14 A No. I've never heard those handles or groups or whatever, whatever that
15 is. I've never heard those before.

16 Q Okay. Thank you. All right. So just in terms -- I want to get more detail
17 about Zello now.

18 Mr. [REDACTED] We've been going for almost an hour and a half, so if you need a
19 break let me know. If not, we can keep on.

20 The Witness. I'm okay if my lawyer is.

21 Mr. [REDACTED] Harry?

22 Mr. Smith. Fine.

23 Mr. [REDACTED] Great.

24 BY MR. [REDACTED]

25 Q So, in terms of the Zello channels, how many were you in, talking about

1 January 6th?

2 A Talking about January 6th, just one.

3 Q Which one was that?

4 A I think we named it D.C. -- no, no, I take it back. There were -- there were
5 two. I think we named it D.C. 3.0. There were two of them. There was one -- there
6 were two that were run by -- run by me and people I knew. One was a purely intel
7 channel, and one was just a chat, open chat.

8 But there was -- there was another one that was run by somebody else I had been
9 invited to. They tried to force me into it, and I dropped it immediately because I didn't
10 like the person. And I can't -- it's been so long; I can't remember which was named
11 which. But, yeah, I think ours was the D.C. 3.0.

12 Q So D.C. 3.0, was that the open chat or the intel, do you think?

13 A Well, it was just D.C. 3.0 and then D.C. 3.0 intel.

14 Q Oh, understood. Got it. And was the other chat led by someone named
15 Eric Braden?

16 A No. No. And it was -- what was his name? God, his handle? One
17 Percent Watchdog I think was his handle.

18 Q Do you know One Percent Watchdog's name?

19 A Not his real name, no.

20 Q Have you ever heard of someone named -- one second -- Joseph Allen
21 Fietsam, F-i-e-t-s-a-m? It might be Fietsam.

22 A Huh-uh. That doesn't sound familiar, anyway.

23 Q We'll get back to One Percent Watchdog in a second.

24 How many people were in your D.C. 3.0 chat?

25 A God. I want to say maybe 20 in the one and five in the intel one.

1 Q And were these the people around the country that you were mentioning
2 who called themselves Oath Keepers or Proud Boys or various members of militia groups?

3 A Yes.

4 Q And did you meet any of them in person on January 6th?

5 A I mean, there were a couple that I had already met at previous things that I
6 ended up meeting outside of their hotel room on January 6th.

7 Q Okay. But you didn't meet them up close to the Capitol on January 6th?

8 A No. I was never close to the Capitol. I walked in as huge swarms of
9 people were heading out. We arrived at their hotel room I think 15 minutes
10 before -- no, a half hour before curfew, and we stayed for 15 minutes chatting and -- and
11 then, you know, caught an Uber out of there because curfew was about to kick in in 15
12 minutes.

13 Q And were the people that you knew, were any of them Proud Boys or Oath
14 Keepers or parts of other militias?

15 A Not that I had ever confirmed with them, no.

16 Q Okay. And are you yourself part of a militia?

17 A No, I am not.

18 Q Do you consider yourself --

19 A I mean, the militia is the people. In that sense, sure. But, as far as any
20 registered militia group, no.

21 Q Okay. So, just to clarify, when you say "militia" and you used air quotes,
22 that you consider yourself, you're speaking in the theory of constitutional -- like, it's some
23 sort of constitutional theory militia?

24 A Correct. Yeah. The -- every citizen of America is part of the militia, yeah.

25 Q Okay. But you are not part of a group that meets up, a smaller group as a

1 militia?

2 A Correct.

3 Q Do you consider yourself a Three Percenter?

4 A I'm not particularly a fan of the term, and -- but I would consider myself of
5 the -- of that ideology.

6 Q And why aren't you a fan of the term?

7 A Because it was a falsehood, and it's been misrepresented and misused. It
8 was based on the idea that 3 percent of the people were the only ones who were active
9 in the -- in that war, and it was a complete falsehood. It was based on only 3 percent
10 actually filed for retirement, essentially, benefits from that.

11 Q Understood. So what part of the ideology were you a fan of or are you a
12 fan of?

13 A What part of the ideology am I not a fan of?

14 Q No, that you are a fan of.

15 A Oh, that I am a fan of?

16 Q Yes.

17 A Responsibility. I don't believe we should be pushing off our responsibility
18 as American citizens to other organizations. I think it's the dumbest thing that you could
19 possibly do and only leads to corruption and oligarchy of some sort.

20 Q Okay. Does that have anything to do -- do you tie Three Perceners to 1776
21 expressly? Some Three Perceners talk about the ideology as part of like we need a new
22 revolution. Is that where you would go with it?

23 A I do believe we need a new revolution, but I don't believe the only means of
24 revolution is violence and war.

25 Q Okay. Revolution by voting or other means?

1 A By education. People are too -- excuse me, I was about to say something I
2 probably shouldn't have. Are too stupid and irresponsible.

3 Q Understood. And thank you for that.

4 So, getting back to the Zello, why were you communicating on Zello of all the
5 apps?

6 A That's kind of where everybody went to. At some point, they were using
7 Telegram, and then they stopped using Telegram. So I was never a fan of Telegram. It
8 was much easier to be able to just, you know, push a button and talk than to have to, you
9 know, type up a bunch of stuff, especially for longwinded messages. And some of these
10 people are extremely longwinded.

11 And -- so yeah, I mean, Zello just made more sense. And, you know, again, just
12 sales background, I prefer to hear somebody's voice at least if you can't see their face.
13 So that was -- that was -- it just kind of became the default. There was no particular
14 reasoning to it.

15 Q There's no -- sort of I take it like other social media sites where people just
16 meet up virtually, or whatever we would call the Zello, where you don't actually know
17 who the user is behind the handle?

18 A Correct. Yeah. I knew very few people personally that I knew on Zello.

19 Q Understood. So, in D.C. 3.0 -- remember, you told us you were talking
20 about, you know, how to respond to possible violence. Was there any discussion about
21 the certification of the vote in the D.C. 3.0? Is that where you were hearing people talk
22 about Vice President Pence?

23 A No, not in that group. I had heard it in other groups on Zello, just people
24 making fun of QAnon theories, but nothing in regards to any planning. Those two
25 conversations were separate.

1 As far as, you know, any planning that went on, like I said, it had nothing to do
2 with anything that was going on in the daytime.

3 Q Right. So there has been reporting that --

4 Mr. [REDACTED] Is this a good time for me to ask a couple questions on Zello,

5 Mr. [REDACTED] ?

6 Mr. [REDACTED] Please do, yes.

7 BY MR. [REDACTED]

8 Q Mr. Ellis, I was wondering if Zello was a platform that was used frequently by
9 folks in the militia community in the run-up to January 6th, to your knowledge?

10 A I have no idea. I mean, it was -- it was used by people I talked to on there,
11 but I couldn't give you an accurate idea of whether it was used widely.

12 Q And you were talking about not knowing individuals in real life who you
13 know on Zello. Were there particular features of Zello, like the anonymity, like the
14 ability to coordinate via live text, that made it appealing to folks in this time period?

15 A I think it was more the instant communication via voice. You know, it was
16 similar -- similar to a walkie-talkie, which was my assumption why it became popular.
17 Because I would assume, you know, a bunch of ex-law enforcement and ex-military are
18 used to speaking on a walkie-talkie, I mean, but that's purely, you know, my assumption.

19 Q Sure. And is it your understanding that these groups, these individuals still
20 utilize Zello in similar ways?

21 A They might. I have no idea. Once Zello closed all of the chat groups and
22 banned several users from their platform, I would assume that people left, but I have no
23 direct knowledge of that. I just -- you know, that was history. Whenever a platform
24 would start to ban, people would move to another one.

25 Q Okay. And has there been conversation about where folks have gone after

1 Zello took that action or not that you know of?

2 A Not that I know of. I kind of distanced myself from all of that after January
3 6th.

4 Mr. [REDACTED] Okay. Got it. That was helpful context.

5 Back to you, Mr. [REDACTED]

6 BY MR. [REDACTED]

7 Q Actually, just to follow up on that -- thank you, [REDACTED] -- do you have any
8 sense of how many January -- sorry, how many Zello channels were talking about January
9 6th in the lead-up?

10 A I was only aware of one other, and that's the one that, you know, made into
11 the same whatever that New York radio article that came out that spliced comments from
12 our group and their group together to make it look like some giant conspiracy.

13 Q Was that "stop the steal" January 6th? If it's from the WNYC --

14 A The one that -- the one that One Percent Watchdog was running and I got
15 invited to and declined.

16 Q Okay. So we'll stay on D.C. 3.0 quickly. As part of that reporting, I'll just
17 quote to you what the article said: Once we go operational -- and this was reported as
18 your voice -- once we go operational, this channel will just be for intel gathering and
19 organizing on the back side. All information, once verified, will be put into the Telegram
20 and then shared to boots on the ground from there.

21 So the first question I guess is what does "going operational" mean in that
22 context?

23 A It meant that we were live and we were on the operation of making sure
24 that people got home -- or to their hotels, excuse me. They got to their hotels safe. It
25 was an evening, evening thing only.

1 Q So how would you ensure that people got to their hotels safely?

2 A Walking the streets, making sure that we had people out there monitoring as
3 others were leaving. You know, essentially undercover, unofficial security.

4 Q Were you -- did you bring equipment with you to do that?

5 A What do you mean by equipment?

6 Q I don't know. If you're providing security, do you need a vest or some
7 other thing to help you do that job?

8 A I mean, I didn't bring any of that. I don't -- I can't, you know, say what
9 other people brought with them. You know, I -- yeah, I mean, it would have -- it would
10 have been smart on my part to probably at least have a stab-proof vest, but I did not.

11 Q So, again, I guess I'm just trying to get a sense then of like what was your
12 security role going to be then?

13 A Essentially -- what's the word for it? A deterrent primarily, and then just
14 having somebody monitoring if something were beginning and being able to step in and
15 stop it.

16 Q Why did you think that it was your role to be that deterrent versus the
17 police?

18 A Because I'm a United States citizen.

19 Q But why specifically, you know, you and the other 20, 30 people that were in
20 D.C. 3.0?

21 A Because we were U.S. citizens. I mean, it is my belief that it is a U.S.
22 citizen's job to protect and defend other U.S. citizens. It's not the police's job. As --

23 Q It's not?

24 A No.

25 Q What is the police's role then?

1 A Their job is to arrest people and clean up after crimes have been committed,
2 and then investigate and find what happened. They are not a preventative measure
3 other than as a deterrent.

4 Q But it sounds like you were also a deterrent. So I'm trying to --

5 A Yeah.

6 Q Can police be deterrents then to violence?

7 A Sure, if they want to be out there. But, in the previous 2 months, they
8 were not.

9 Q And did you have particular people that you were expecting to protect?
10 Like, how would you become somebody's security?

11 A Just walking around, and the idea was to interrupt any kinds of acts of
12 violence that were going on.

13 Q How would you do that?

14 A I mean, the idea was to step in between the two.

15 Q But you said you didn't bring equipment, didn't bring protective equipment.
16 You know, what -- I don't --

17 A I mean, you don't need a lot of -- a lot of equipment to step in between two
18 people fighting.

19 Q What if someone had a knife, though?

20 A Well, I mean, then it would be a call for, you know, the person to make.
21 You know. Knocking the person down that's trying to attack with a knife. I mean,
22 there's -- there's a lot of options.

23 I mean, we're all speaking completely hypothetically, so -- I mean, you know, there
24 are YouTube videos of somebody being disarmed with a gun in under 21 feet. So, I
25 mean, you know, we can talk a lot of hypothetical.

1 Q Did the other people in D.C. 3.0 have a military background where they
2 would have had some sort of training that might make that more likely to be successful?

3 A Many of them, yes. Many of them were ex-military, ex-police.

4 Q And how did they find your channel?

5 A They were people that were -- either I knew, people I knew. They were
6 directly verified or verified for.

1

2

BY MR. [REDACTED]

3

Q Okay. So it's sort of like the tree roots behind you?

4

A Yep.

5

Q People finding each other that way?

6

A Yeah. The qualifications was you had to -- you had to have met the person

7

in person and have interacted and trust the person.

8

Q Okay. So then back to the quote I read earlier: This channel will be just

9

for intel gathering and organizing on the back side.

10

Can you explain that phrase?

11

A Yeah, meaning no chatter. You know, you weren't -- you weren't allowed

12

to just go on there: Hey, Bob, how you doing? Oh, I'm doing good. The kids, you

13

know, whatever.

14

None of that stuff. It was purely for intel that we were -- you know, was

15

gathered or that was able to be obtained one way or another.

16

Q What was the conversation like after you got to D.C. on the channel?

17

A Well, I mean, I was listening to the channel on the entire drive there. And

18

people started reporting what was -- what they were seeing going on, that people were

19

running into the Capitol at some point in time. And, I mean, that essentially was -- was

20

the conversation. They were reporting from outside what was going on, you know,

21

while watching it. As I said, you know, my people were not interested in any flag

22

rallying, flag waving. They were there just to walk around and check things out.

23

Q So there were some people in D.C. 3.0 who were on the ground --

24

A Correct.

25

Q -- before you?

1 A Yep. I wouldn't say for me, but yeah.

2 Q I said before, I'm sorry.

3 A Before. Got it. Yeah.

4 Q I apologize. And that's the intel they were providing was reporting about
5 the day of?

6 A Yeah. And, again, because the prior time in December, there were acts of
7 violence even during the day. So, you know, they were just kind of watching and making
8 sure that, you know, that stuff didn't happen.

9 Q What were they saying about what was happening, do you remember?

10 A That it was crazy. You know, there was pepper spray flying. The people
11 that I was hearing from were very far back from what was going on, and the signal was
12 very bad, so it was -- it only came through occasionally, but I did hear that there were
13 people going into the Capitol.

14 Q And did they report about any violence that day with, you know, clashes
15 between law enforcement and people?

16 A I don't -- I don't recall any of that other than, like I said, that there was
17 definitely pepper spray in the air.

18 Q Okay. Did anyone on the channel talk about President Trump's tweets that
19 day?

20 A No, no. It was an intel only, and that would not have been considered
21 intel.

22 Q How about in the non-intel channel?

23 A In the non-intel channel, I wasn't monitoring that one as much, because that
24 was -- there were quite a few people who were not even there, that were just throughout
25 the country, that wanted to be in that chat room. I -- I couldn't say, honestly. I don't

1 remember.

2 Q And what about the Telegram channel that I mentioned? I think what you
3 said: We're going -- you know, keep this clear and use the Telegram channel.

4 What was that Telegram channel?

5 A That Telegram channel I really didn't have anything to do with. That
6 was -- that was really just for location, location in case somebody got lost, separated from
7 a group or was -- you know, got in trouble, we could find out where they were, because
8 Telegram did have a feature where your -- your location could be pulled up and live the
9 entire time.

10 Q So that was a Telegram channel just for the people involved in D.C. 3.0?

11 A Yes. Yeah.

12 Q So the name of the Telegram channel was not boots on the ground, or was
13 it?

14 A Honestly, I have no idea.

15 Q Okay. And it wasn't a Proud -- was it a Proud Boys Telegram channel?

16 A Not to my knowledge.

17 Q Do you have any sense of whether people discussed the events of January
18 6th on that Telegram channel?

19 A I don't. I really didn't -- really wasn't that involved in that channel.

20 Q And then what was your Zello user handle?

21 A American Rev 2, I think, something to that extent.

22 Q Actually, I just pulled up exhibit 11.

23 A Or A-Rev, something like that, yeah.

24 Q That is incredibly zoomed in. I'm sorry. Is that -- that was your Zello
25 handle?

1 A Yeah.

2 Q So I think you mentioned you were in some other chats. Exhibit 12 -- yeah,
3 and I don't know why it says -- and then this is a chat called General E's friends, and you
4 see A-rev listed as someone in here.

5 A Yes. For a short time, I was part of that group.

6 Q Okay. Were you a part of this group around January 6th?

7 A I mean, around January 6th is rather vague. Yes.

8 Q What was discussed in this channel about January 6th?

9 A Honestly, I'm not quite sure. I really didn't pay attention to it a whole lot.
10 I got invited to it and didn't really participate that much.

11 Q Who invited you?

12 A General E.

13 Q And do you know General E's real name?

14 A I did at one point, but it's not coming to me right now.

15 Q Eric Braden?

16 A Yeah, that's -- yeah.

17 Q Why did Eric Braden invite you to this chat?

18 A Because we had -- we had talked quite a bit on -- in other groups. And I
19 was involved in a previous thing where he was being called a White supremacist and
20 helped clear up the fact that he was not. And, therefore, he saw me as somebody who
21 was a seeker of truth rather than, you know, one of the -- one of the people who would
22 just follow along with whatever was being said.

23 Q Okay. So I've listened to some of Eric Braden's chats from January 6th, and
24 he says, among other things, that a large group of militias is coming to assemble on the
25 Arlington side of the river to basically take over Washington, D.C.

1 Were you hearing any chatter about that in this Zello channel?

2 A I don't know if it was this one. I did hear that there was a large caravan
3 that was going to be there the weekend, not on January 6th.

4 Q On January 10th?

5 A I don't have a calendar in front of me. Whatever the weekend would have
6 been.

7 Q Sure. And what was that -- what else about that conversation do you
8 remember?

9 A That it was complete bullshit.

10 Q Why do you say that?

11 A Because he's -- he's a blowhard. He did not have the ability to organize
12 anything like that, and he was just trying to get some fame, which about a month later he
13 admitted to.

14 Q Where did he admit that?

15 A I think he admitted it in a -- in a Zello chat. It wasn't this group, but I think
16 it was another one.

17 Q So was Mr. Braden, to your knowledge, well-connected with other militia
18 groups?

19 A No.

20 Q He didn't know other people in other States, like Louisiana or Georgia?

21 A I mean, you know, know them or like have talked to them on a chat.

22 Well-connected implies that he had some influence over. That he did not have. Did he
23 know people that he could, you know, talk to? Sure.

24 Q Are there -- so two questions: First, were there at this time, so late
25 December-January 2021, were there any militia leaders who did have that sort of clout

1 that you mentioned that could connect multiple militias together?

2 A No. That's one of the -- one of the interesting things about the militia.
3 There's a whole lot of ego, and guys don't like to play nice with each other.

4 Q And the same question for today, is there anybody with that kind of clout?

5 A Not that I'm aware of.

6 Q Would you say, though, that these militia groups, by and large, supported
7 President Trump?

8 A I would -- I would say, to my knowledge, sure, but my knowledge is not that
9 extensive.

10 Q Do you think -- did you hear on this channel or anywhere else on other
11 channels that you were on, people talking about answering the call of President Trump or
12 going to fight for President Trump?

13 A Not in the context of fighting being literal fighting, but yeah.

14 Q Well, answering the call of President Trump?

15 A Well, answering the call to come out to what was supposed to be a peaceful
16 rally, listening to him speak, yeah, and, you know, fighting in the context of showing up.
17 I mean, the majority of people he was talking to were, you know, old ladies, old men and
18 old ladies. These are not, you know --

19 Q On the Zello channels, you mean?

20 A What do you mean?

21 Q Sorry. You said old ladies and old men. Who was talking to them,
22 President Trump?

23 A Yeah. I mean, that's -- that's his base.

24 Q Oh, okay.

25 A Conservatives -- conservatives are not your younger crowd. You know,

1 you're talking to older people who older people have jobs. They have responsibilities.
2 They're not going to go out and start a revolution.

3 Q Did you hear talks of revolution in the Zello channel, though?

4 A No. Not to my knowledge, no.

5 Mr. [REDACTED] Go ahead, [REDACTED]

6 BY MR. [REDACTED]

7 Q How about discussions of the Insurrection Act or President Trump invoking
8 the Insurrection Act?

9 A Again, that was one of the QAnon theories that we joked about. Yes, I did
10 hear it in that context.

11 Q Was there ever any discussion of the calls that Stewart Rhodes and other
12 Oath Keepers made for President Trump to invoke the Insurrection Act?

13 A I didn't pay attention to Stewart Rhodes very much. I didn't like him. I
14 had met him in person, and I thought he was, again, an egotistical asshole.

15 Q Okay. So the only conversation about Insurrection Act that you can recall is
16 related to some of what you would put in the QAnon bucket?

17 A Yes.

18 Mr. [REDACTED] Okay. Thank you. That was all.

19 BY [REDACTED]:

20 Q Did anyone take the Insurrection Act seriously?

21 A Nobody that I knew or was talking to, no.

22 Q Did you ever hear or did people talk about organizations of veterans waiting
23 for President Trump to call them into action on January 6th or thereafter?

24 A Not to my knowledge.

25 Q Okay. Then I'm going to show you another Zello chat. This is a chat called

1 Texas SPC. We see General E in here, which is Eric Braden, again, and A-Rev, which is
2 you.

3 Were you part of this Texas SPC chat, you know, in late December 2020 and
4 January 2021?

5 A Yeah, for some -- some period of time I was.

6 Q And who invited you to this chat?

7 A Again, I believe it was General E.

8 Q Okay. Do you know what Texas SPC stands for?

9 A I don't.

10 Q Best guess is that it's Texas Southern Patriot Council, which is Eric Braden's
11 organization. Do you -- do you know why -- go ahead.

12 A To my knowledge, Eric Braden's organization was a reenactment group,
13 which is why I didn't take anything he said all that seriously.

14 Q A Civil War reenactment group or --

15 A Yes, yes.

16 Q So you were not aware of any like actual militia trainings that Eric Braden
17 was doing?

18 A No. To my knowledge it, he never -- he never had. He at some point I
19 believe was in the military I think I found out at some point, but up to this point, all I knew
20 him as was somebody who was involved in Civil War reenactments.

21 Q Okay. Why was he inviting you to multiple chats?

22 A I think because he appreciated my levelheadedness, my ability to call out
23 bullshit, and my knowledge of the Constitution when it came to people talking about
24 stupid things.

25 Q Stupid things such as?

1 A Stupid things as far as, you know, what -- what can be done with -- within
2 the bounds of the Constitution, you know, to try to preserve our constitutional republic.

3 Q Can you expand on that a little more?

4 A There was a time when, what's his name, One Percent Watchdog was talking
5 about having some kind of -- what did he call it? I forget what he called it, but it was like
6 a jury of people. You could, you know, establish your own -- your own jury, and you
7 could conduct -- conduct hearings on those who were violating the Constitution.

8 And I simply pointed out that that's nonsense and got in a lengthy argument with
9 him and, you know, ended up convincing a lot of people that he was full of shit.

10 Q Was he talking about that in the context of revolution, though, like a jury of
11 your -- whatever he's saying, that could take out traitors or arrest people who they
12 considered to be traitors?

13 A Well, he -- he wasn't talking about doing any kind of arresting. He was
14 simply talking about, you know, the fact of you could hold the trial of a person, you
15 know -- hypothetically speaking in these conversations, you know, was the majority of the
16 conversations.

17 But, you know, to give a hypothetical -- you know, a hypothetical answer now, you
18 know, you could hold a trial of Hillary Clinton without Hillary Clinton there, which, you
19 know, was one of the things that I pointed out, not using -- not in that specific, you know,
20 example in the conversation, but I pointed out that you could not hold a trial of
21 somebody without the person there and that you couldn't just self-appoint as a jury.

22 Q Got it. So I want to just point to this post. "Please post more of General
23 Hayden, thanks," says the Simon Jester. Who is General Hayden?

24 A I'm sorry, where are you getting this?

25 Q I'll be more specific.

1 A Oh, there we go: Hey Death, please post more of General Hayden, thanks.

2 I have no idea who General Hayden is offhand.

3 Q Do you know who this commanding general, national -- I believe it's Three

4 Percent --

5 A I have no idea who that is.

6 Q Okay. Do you remember these images that are somewhat cut off? This

7 looks like it might have come after January 6th. I think that was people guarding the

8 Capitol, from what I remember.

9 A Do I recognize that image?

10 Q Yes.

11 A Yes, I remember -- I remember seeing something similar to that on like

12 Facebook.

13 Q Okay. So what happened in these chats after January 6th? Like, what

14 was the conversation like?

15 A I mean, after the day of January 6th, like January 7th on?

16 Q The night of January 6th on. So let's say you get to D.C. once people are

17 getting -- once the Capitol is basically cleared, right, so somewhere around 5:45ish. Let's

18 go from that point until the end of January when they're taken down.

19 A I do recall there being talks of a caravan coming in the following weekend of

20 people going to D.C. to peacefully protest. That quickly fell apart within -- you know, by

21 the end of that evening.

22 And then I believe primarily after that it was people talking about -- talking about

23 the defenses going up at the -- at the Capitol was primarily the conversation after that,

24 the barbed wire fences and, you know, stuff like that.

25 Q How did people take January 6th, though, on the Zello chats? How did they

1 interpret what happened?

2 A As a police guided tour.

3 Q So they believed it was --

4 A I mean, I believe there is a lot of video evidence of police allowing people
5 into the Capitol, taking selfies with people in the Capitol. So, I mean, you know, when
6 you have video of that, yeah, I would say that.

7 There were some idiots in there doing stupid things as well. Any group of
8 people, you're going to get idiots in a group. And there were also false flags, people
9 trying to instigate that were identified as left-leaning or antifa affiliated.

10 Q Were people cheering on what happened on January 6th?

11 A Nobody that I talked to. I -- I -- I was of the opinion and most of the people
12 that I talked to were of the opinion that it was stupid.

13 Q Were people expressing some sort of regret that they didn't go in with arms
14 and to do, you know, something stronger than what happened on January 6th?

15 A Not in any -- not that I can recall in any groups I was part of.

16 Q Okay. I'm going to pull up some more Zello chats to see if you recognize
17 any of the names. This is exhibit 14. Sorry again. This is a list of General E's friends
18 or groups. I'm not the best Zello user, as you might imagine. The first one is USCF intel
19 briefings.

20 A Uh-huh.

21 Q Were you a part of that chat?

22 A For a brief time. I believe I dropped out of it. That was part of One
23 Percent Watchdog.

24 Q Okay. Did you drop out because they were talking about January 6th?

25 A No. I dropped out because I didn't like One Percent Watchdog.

1 Q So how long were you in that chat?

2 A I have no idea. I don't think it was very long.

3 Q Was it before January 6th, though?

4 A Honestly, I couldn't tell you.

5 Q That's fine. How about this, The Last Stand-Intel with the Three Percenter
6 logo?

7 A It looks familiar, but I couldn't tell you if I was part of that group. This is a
8 group, right?

9 Q I think so.

10 A Okay. I'm assuming with the intel at the end of it that it is. Some of the
11 other ones are groups that I'm aware of. So, yeah, I couldn't tell you if -- I think I was
12 part of that one. I don't know when. That one's kind of hard to tell.

13 Q Do you know why they call themselves The Last Stand?

14 A I don't. I don't.

15 Q How about this: Trusted Friends of the M, lowercase s, Three Percent
16 Patriots?

17 A Yes, I was part of that one.

18 Q What's that group?

19 A It was essentially a group, to my knowledge, being set up for people who
20 were friends of the Mississippi Three Percent, what was originally a militia group there.
21 And some of the people left, but it was -- it was people that had supported the Mississippi
22 Three Percenters and were not -- there was a -- essentially, they wanted to give certain
23 people honorary memberships to the Mississippi Three Percent militia group, and that
24 was voted down by membership. So this was another way to like honor people who
25 had -- who had helped out that group.

1 Q Do you know if that chat had anything to do with January 6th? Did they
2 talk about January 6th?

3 A Not to my knowledge. I mean, perhaps, but not to my knowledge.

4 Q Do you know if that Mississippi Three Percenter group went to January 6th,
5 went to Washington, D.C.?

6 A I don't know. I only knew of one person that was -- actually had been part
7 of the Mississippi Three Percent and then was no longer. So I don't know if anybody
8 from the actual Mississippi Three Percent group went.

9 Q Got it. How about this Regulators Republic?

10 A I may have been part of that group. To be honest, I kept getting invites to
11 groups and didn't pay attention to a lot of them. I had a ton of them on mute because
12 they were just nonsense.

13 Q Understood. Do you know who Little Ms. Rogue is?

14 A Yes. I mean, I know -- I have had conversations with her. I don't know
15 her real name or anything.

16 Q Well, who is she in the Zello community?

17 A She was a female that people had in their groups. At one point, One
18 Percent Watchdog was -- was, you know, trying to attack my character, and she went
19 through and watched a lot of my YouTube videos and defended me.

20 Q Did she ever claim to have any sort of role in a national Three Percenter
21 organization?

22 A Not to my knowledge.

23 Q Did she claim she was part of any militia group?

24 A Not to my knowledge, no.

25 Q So you don't know any of the sort of personal details about her?

1 A No.

2 Q Do you know if she was in Washington, D.C., on January 6th?

3 A I don't. I never -- I only met up with a couple people outside of a hotel
4 room.

5 Q And how about this Basket Weaving 101 group?

6 A What about it? Was I in it? Yes.

7 Q Yeah. What is it?

8 A It was an attempt to organize a group that would not be banned from Zello
9 because people thought that the Zello algorithm was seeking out any group that was
10 attached to militias whatsoever and deleting them. So this was somebody's attempt to
11 create a group and see if that was the case or if they were following specific people and
12 the algorithm was tracking down people as opposed to names and verbiage.

1

2 [12:31 p.m.]

3

BY MR. [REDACTED]

4

Q So, Earthquake, is that someone who set up the basket-weaving group?

5

A I have no idea. I think those are -- those are the names of who spoke last in

6

the group.

7

Q Understood. Okay. That makes sense.

8

A I don't think that has anything to do with who set up the group.

9

Q Thank you. So I'll show you exhibit 15. This is a slightly different name,

10

this is Basket Weavers United.

11

A And what is this from?

12

Q This is -- I think it might be Telegram. It doesn't look like Zello, but --

13

A Okay.

14

Q -- it's something else. Is it MeWe? Have you ever used MeWe?

15

A I really, rarely, yeah.

16

Q Would you say that A-Rev and American Revolution 2.0 is you?

17

A It should be. I mean, I can't confirm 100 percent, but -- because a lot of

18

these records have been deleted, but --

19

Q Right.

20

A -- I believe so.

21

Q So unfortunately, we don't know what day or time this -- oh, it was before

22

February 3rd.

23

A Okay.

24

Q What year, probably 2021. You say, I am done waiting for that fight to

25

come to us.

1 A Uh-huh.

2 Q And the SlitThroat says, Aren't we all. And by the way, it has come to us.
3 You say, It has. The responsibility is heavy, but if we do not step up to it, none -- it may
4 be a typo for "no one" -- else will in our place. What was this back-and-forth about?

5 A Responsibility in our country, the -- the lack of responsibility. I was -- I was
6 primarily getting pissed off and had been for some time that people kept using the idea of
7 I have the right to be left alone. That is not a -- that is not an American idea.

8 You have the right to be involved. You have the duty and responsibility to be
9 involved in your government, in your -- both locally, State level, and nationally. And it
10 was -- it just kept being pushed down, and, you know, I was getting sick of it.

11 Q So what is the fight that is coming?

12 A The fight for our constitutional freedom.

13 Q Okay.

14 A Not an actual, like, fight, but, you know, the conflict.

15 Q And did this have -- did this have anything to do with what happened at
16 January 6th and thereafter, with the inauguration of President Biden?

17 A There -- it may have, to some degree. I couldn't tell you to what degree.

18 Mr. [REDACTED] Go ahead, Mr. [REDACTED]

19 BY MR. [REDACTED]

20 Q Oh, I was wondering if you could ask us -- if you could tell us, Mr. Ellis, a little
21 bit more about how you define the contours of this site, because you've said when
22 we've -- language about fighting, that it's not an actual fight. But what then is it?

23 A Well, and -- and to clarify, so my opinion on, if there were to ever actually be
24 an actual, all-out fight -- and I've said this many times on my YouTube channel -- all it
25 leads to is one dictator replacing another. So I'm not a fan of that.

1 The fight has to be for education. If a people are not educated and aware of
2 what they are fighting for, you're not going to win, even in that scenario. So the battle is
3 to educate people.

4 I, you know, constantly got upset with people saying that Facebook was violating
5 our First Amendment rights. Facebook is a private organization. There is absolutely no
6 protection that Facebook owes you.

7 There are, however, some other congressional things that go on with Facebook
8 and protections that are given them, and that they should not be allowed when they start
9 censoring.

10 But, you know, it's not a First Amendment violation, and my point in bringing that
11 up is, the stupidity, the lack of knowledge, the ignorance of the American people in
12 general. And that to me is where the real fight is at, is in educating people.

13 Q Got it. So this fight, battle, as you just said, is really about informing the
14 public in your view?

15 A Yeah. Yeah. I mean, educating, more than anything, is -- because, you
16 know, as I said, and, again, I'm on record with my YouTube channel, I've said it many,
17 many times. If we were to have a real civil war or -- or, you know, French-style
18 revolution of overthrowing government, all we're going to do is replace one bad dictator
19 for another, and we're no better off. We're -- it's simply a path towards ultimate
20 enslavement. So there is absolutely no point in doing that.

21 Q Got it. So what then is the role of militias in this struggle? Because at
22 least as I understand it, militias are -- you mentioned firearms training. You've talked
23 about protection. It seems very kinetic, very physical, in terms of their involvement.
24 So if this is a battle about education, what's the role of private militia?

25 A Well, I mean, it depends on your definition of, again, private militia, you

1 know, antifa is a private militia. Your neighborhood watch is a private militia.

2 You know, in the constitutional context -- and that's the context that I tend to
3 use -- it is a group that is interested in taking care of their own community.

4 With that in mind, it is their responsibility to educate from every sense, educate
5 on the constitutional -- on the Constitution, on the Bill of Rights, so that people
6 understand what that's about, to teach people that they are responsible, and they have
7 the duty to get involved in their local government.

8 That's where things will change. Things are not going to change from the top
9 down, they will change from the bottom up. And the more that people stay uninvolved,
10 the less likely things are going to change for the better.

11 The physical nature of militias is just the fun stuff, you know, I mean, it's kind of,
12 like, Boy Scouts. You know, you don't -- it's an adult Boy Scouts, really, in that sense.

13 You know, yeah, you go, you know, do your basket weaving and learn how to pack
14 a tent and stuff like that, but then, you go out to the woods and you, you know, chop
15 down trees, make fires, you know, bake your own food out there in, you know, cast iron.
16 You have to do the physical as well. It's part of it.

17 [REDACTED]: Well, what about -- sorry, [REDACTED]. Just want to jump in.

18 [REDACTED]: No, go ahead.

19 BY [REDACTED]:

20 Q What about the militias who show up armed to protests?

21 A If they are -- if they are doing that for security, because they have been
22 asked to, if they are doing that for Second Amendment protest response, I have no
23 problem with it.

24 If they're showing up simply armed because their State law allows it, then I don't
25 care.

1 If they're doing it to commit acts of violence, I have a problem with that.

2 Q But do you think that it's possible a group of armed people in fatigues
3 showing up to some rally might terrify citizens?

4 A It's certainly possible. I have spoken out against doing that quite often.
5 Again, with the May 1st stuff, I -- I really am not a fan of the old school militia ideas.

6 I think we need to -- we need to change that. It's how militias get painted into
7 domestic terrorist portrayals, and that's not what most of them are.

8 Q Can you actually expand on that a little bit? What's the old idea versus
9 your newer idea?

10 A It's a very militaristic idea. You know, you show up in fatigues, because
11 you're -- the idea was, you were the guys who went and actually trained. You know, you
12 went out to the woods and, you know, trained with your weapons, trained drills, you
13 know, military stuff.

14 A lot of it, to be honest with you, that came from that, was because of guys
15 retiring from the military or, you know, going on inactive duty and missing the
16 brotherhood, the connection there, you know, what they were doing in the military.

17 So it's a nice way to kind of handle that departure, the almost postpartum
18 depression that comes from leaving the military. And that's all fine and good when you
19 want to go out to the woods and do that stuff, but don't bring that to -- you don't bring
20 that to a public scene unless it specifically calls for it, you know.

21 In the case of, like, Hurricane Katrina, or Sandy, you want to show up in fatigues,
22 you know, specifically not to look like National Guard or Active-Duty military, something
23 that sets you apart, fine. It shows that you are a group, you are an organized -- it's a
24 uniform. I have absolutely no problem with that.

25 But showing up as a group like that, as part of a peaceful protest, whether it be

1 Second Amendment or not, I think, sends the wrong message in today's society. I'm
2 more for showing up in casual clothes.

3 Q Understood. Thank you.

4 A Look like the average Joe. I think that's -- that's what needs to be
5 portrayed, is that we all are the militia.

6 BY MR. [REDACTED]

7 Q To follow up on that, does government action, government overreach, ever
8 justify a militia response in this scenario? Because my understanding is that that's sort
9 of at the core of the idea of militias. Maybe that's the older view that you're talking
10 about as being more militaristic, but obviously, that was a lot of the talk more recently in
11 and around these chats we've been discussing. So is there --

12 A Absolutely.

13 Q -- a space for that?

14 A Absolutely. Now, what that response is from the militia, I think we have
15 two different opinions of. I think you're trying to portray potentially in that question
16 more of a physical response, where I would -- I believe that response would be more of
17 a -- a peaceful protest, you know, signing petitions, things like that, organizing.

18 Unless there's a tank rolling down my street, you know, blowing up houses,
19 there's not much else that would call for physical violence.

20 Q Well, I was curious about what kind of response, and that is, I think, a helpful
21 explainer.

22 A Yeah.

23 Q So why was this moment, let's say, mid-2020 through January 6th, an
24 important one in the militias' fight, the militia movement's fight, as you have described it?

25 A Because there was a lot of government overreach. You know, here in the

1 State of Illinois, we had a governor who was violating the Illinois Constitution, his
2 emergency powers, and the U.S. Constitution.

3 Quite frankly, he should've been prosecuted for those things. You know,
4 the -- there is no law that gives him the power to shut down a person's business. None
5 whatsoever. The only authority that had that was the Department of Health, and they
6 have -- they only have 48 hours that they're allowed to do that.

7 So I think it's a huge problem. It's a giant government overreach.

8 We are a State that has FOID card laws, which the Supreme Court has already
9 ruled that no State may impose taxes on a constitutional right, and that's what the FOID
10 card is.

11 Now, that ruling was in regards to religion specifically, but it applies just the same
12 to the Second Amendment.

13 Q All right. That's helpful. And, obviously, there were a lot of folks on
14 MyMilitia and on these chats, and it seems like in some of the chats we were just looking
15 at, talking about the election in particular, and the potential inauguration of President
16 Biden as an important moment in this struggle, in this battle.

17 Did you view also -- think that, or was there a sort of broader context to help us
18 understand why that might be?

19 A Did I think it was an important moment?

20 Q Yeah.

21 A I do. I think it was an important moment for the simple fact of, we now
22 have had two elections back-to-back that the American people do not believe were
23 legitimate.

24 The left does not believe that Donald Trump was elected legally, without fraud.
25 The right does not believe that Biden was elected.

1 And the importance to me of that is in the context of a marriage. You know, the
2 reason a relationship stays together is not the marriage piece of paper. It is because
3 there are agreements between those two people that keep them together and keep them
4 operating in good faith in life together.

5 A government is no different. And that was the pivotal moment that now both
6 sides believe that we have a giant problem in this country, and we cannot trust our own
7 government, we cannot -- the people cannot trust the government. Now both sides
8 have experienced that.

9 When it was only one side, okay, maybe that moves on, but now that both sides
10 have experienced the exact same thing, it is an indication of the destruction of this
11 country, quite frankly.

12 Mr. [REDACTED] Does that --

13 Mr. [REDACTED] I just have one more question and then I will stop.

14 Mr. [REDACTED] I'm sorry, [REDACTED].

15 BY MR. [REDACTED]

16 Q But you would -- given this conversation, you'd reject members of the militia
17 movement, the broader patriot movement, who express of you that the election of Joe
18 Biden, the impending inauguration of Joe Biden, was one of these instances where the
19 militias' response should be physical?

20 A Oh, absolutely. Yeah, I don't -- I don't think it should be physical violence,
21 no.

22 Mr. [REDACTED] Okay. That was my last question.

23 Back to you, Mr. [REDACTED].

24 BY MR. [REDACTED]

25 Q Then I just want to get -- I think you might not know the answer. You've

1 probably heard people say, like, Joe Biden, the inauguration of Joe Biden was a 1776
2 moment, or January 6th was a 1776 moment. Do you want to explain to me why you're
3 shaking your head?

4 A Because it wasn't. So, you know, one of the defining factors of 1776 is that
5 George Washington had a military force under his command. That is not this day. This
6 is a bunch of people whining about, you know, the response of the election. That's,
7 quite frankly, what it was.

8 This is not any 1776 moment. We don't have some general of our military saying
9 that we are going to overthrow the sitting ruler. Because that's what 1776 was.

10 This was a man who had earned the respect and earned the title of being in
11 charge of the U.S. military at that time, what existed as it. And he was saying, let's go to
12 war.

13 Q And do you think, then, that people using the 1776 rhetoric, the militias
14 using it, can be dangerous and lead to possible violence if misused?

15 A If it were done to the right people, yes. My experience with the militia
16 groups is that, no, it's just a way for them to vent. You know, the -- I think, you know,
17 that's evidenced by the difference in violence that occurred from Trump being elected to
18 Biden -- or Trump being inaugurated to Biden being inaugurated.

19 The comparison of violence on -- you know, from one side to the other, is
20 drastically different, and the right violence is much, much smaller.

21 Q Okay. Thank you. So only a few more questions, so we'll be done pretty
22 soon. I just want to share one more, I believe it's Zello chat. It's called Real Patriots.
23 Were you a part of the Real Patriots?

24 A At some point in time. I couldn't tell you when.

25 Q Okay. Do you remember hearing discussion about January 6th on Real

1 Patriots?

2 A I don't recall offhand.

3 Q Do you recognize -- I'll scroll slowly through this -- do you recognize any of
4 these?

5 A I recognize a couple of the names here.

6 Q Okay. Can you describe, then, who Donald Mayhew is? Is that one you
7 recognize?

8 A No, that's not one I actually recognize, no.

9 Q All right. Besides Eric Braden, who do you recognize?

10 A I had seen the name Driver James before. That's it that's on what I can see
11 right now.

12 Q Okay. Any of these others?

13 A No. I think that's all, the only other one I've seen before.

14 Q Okay. But you don't remember being a part of that chat around
15 January 6th?

16 A I remember being part of that chat, not specifically around that time frame,
17 no.

18 Q So you weren't listening to it on the day of?

19 A Oh, definitely wasn't listening to it on the day of.

20 Q And then, I think you mentioned getting either --

21 A I was -- I was driving. I drove the entire 12-hour drive -- well, except for,
22 like, maybe an hour or two in there. So, yeah, I wasn't specifically listening to any of
23 that.

24 Q How about on January 5th or January 4th?

25 A January 5th, very little during the day. Like I said, we were busy organizing

1 the Kenosha protests that were going on at that time, and went on that -- late through
2 that night. So I wasn't very involved in the January 6th stuff.

3 Other people were -- were doing stuff in that, and I wasn't very involved or tuned
4 into that because I was in -- working on the other one.

5 The 4th, maybe.

6 Q Okay. But nothing sticks out, like --

7 A No.

8 Q -- hearing people talk about violence?

9 A Oh, definitely not. No, no, no. Anybody who -- and anybody who
10 would've, I would've told them they were stupid.

11 Q Understood.

12 BY MR. [REDACTED]

13 Q Before Mr. [REDACTED] wraps up with some of the final questions, I wanted to ask,
14 you mentioned Kenosha now a couple of times. So you were in Kenosha in January for
15 what reason?

16 A The Kyle Rittenhouse stuff was going on.

17 Q Is that the trial at that point or just more protests?

18 A No. On the 5th, there was -- there was a trial appointment going on that
19 day, but it was also at the same time as the verdict for the officer who shot Jacob Blake
20 was supposed to come out.

21 So there was also supposed to be a large force of BLM that were going to be out
22 there, potentially Reverend Jesse Jackson and some others. So there was a high
23 potential chance of violence that night, more of the city potentially burning. So we were
24 trying to organize to prevent some of that.

25 Q And so you were there with other members of -- members of militias

1 or -- I'm just trying to understand the -- was it a similar operation to what was happening
2 on January 6th for medical attention and things of that nature?

3 A Yeah. Medical attention, security. We, you know, essentially we got
4 there while they were marching. We were running leapfrog along the alleys to make
5 sure nobody darted off down the alleys, setting fires. That was essentially our role that
6 night, you know, just kind of making sure that there was no destruction.

7 Q Just a couple more questions on this. That sounds less medical reaction
8 than almost law enforcement adjacent, preventing people from starting fires.

9 Were there protocols in place for what would happen if you saw someone going
10 to start a fire?

11 A Nothing specific, no. Again, it was more of a deterrent. We were, you
12 know, like I said, leapfrogging in vehicles from side street to side street, kind of just
13 observing.

14 You know, one of the key things with antifa infiltrators to BLM and BLM
15 antagonists is that they operate under -- they operate best when not seen. So, if you
16 have, you know, bright headlights pointing at them, you have cameras out, they're not
17 going to do much of anything. They're usually lone operators who want to stay
18 anonymous, and those things tend to deter them.

19 Q And was it your understanding that it would be antifa or BLM at these kind
20 of events or both?

21 A Both.

22 Q But were those -- I guess, how did you view that relationship? Was it, you
23 said "infiltrator" before, so if you could expand on that.

24 A My -- so there are -- there are BLM organizers that I met along the way that
25 are very good people. They -- they are trying to fight incidents of racism and injustice

1 due to racism that happens. You know, David Lowery runs an organization
2 called -- what is it -- Living and Driving While Black or something like that. It's a 501(c)3.
3 You know, he's another one that has a positive purpose.

4 I support those -- those kinds of things. But what you get is outside people -- and
5 this is what happened in Kenosha during the Rittenhouse stuff, is, there were outside
6 people from both Chicago, Indianapolis, other areas that were -- Minneapolis -- that were
7 coming to Kenosha and they were instigating fights.

8 They were starting fires, they were committing acts of violence, and, you know, it
9 was those people who were a problem, that were also antifa members who were
10 piggybacking off of the BLM cover, in order to just cause mayhem.

11 Q Understood. And one last question on this. When you were doing those
12 patrols in Kenosha, was your group armed?

13 A I couldn't testify to that.

14 Q Were you?

15 A I was not.

16 Mr. [REDACTED] All right. Great. Thank you. That's all for me.

17 The Witness. Yeah.

18 Mr. [REDACTED] Thank you, Mr. [REDACTED]

19 Mr. [REDACTED] Thank you, Mr. [REDACTED]

20 BY MR. [REDACTED]

21 Q So, Mr. Ellis, I'm just going to go through a couple Zello channels. I think
22 you mentioned possibly being in Stop the Steal January 6th. That's the other one that
23 was reported on with One Percent Watchdog as the administrator?

24 A Okay. I would have to take your word for that. I don't remember,
25 offhand, the name of the group.

1 Q But that's the one you remember being reported about in conjunction with
2 your D.C. 3.0?

3 A Yeah. The one that was in the article that was run by him. Yeah, if that's
4 the name of it, then I'll take your word for it.

5 Q Sure. Do you remember anything that was said in that chat?

6 A I don't. I was -- I was brought into that group, and what I remember is
7 jumping out of it pretty immediately once I realized I had been added to that group.

8 Q Okay. So you don't know who else was a member?

9 A I don't. I didn't -- I don't remember looking. I -- just what was reported
10 on in that article.

11 Q Sure. How about a Zello channel called DefendJ20, all one word?

12 A I don't recall that group. Again, there were a lot of groups that I kept just
13 getting added into.

14 Q Sure. But if you don't remember, okay. A group called The Last Stand?

15 A Yeah, I remember that there was a Last Stand and a Last Stand Intel. To be
16 honest, my memory is that those groups came after January 6th, not -- not on J6, but I
17 could be wrong on those. I didn't pay attention to them much.

18 Q Okay. So then you wouldn't know why The Last Stand -- I think we went
19 over that -- was the Last Stand Intel?

20 A Right. Yeah. I know -- I remember that they set up both of those groups,
21 and, yeah, I thought they were -- to my recollection, I thought they were after
22 January 6th, but I could be wrong on that.

23 Q You think they were set up after January 6th in reference to the inauguration
24 of President Biden on January 20th?

25 A They very well could've been, yeah. I mean, I don't know why they were

1 set up. I didn't participate to any great extent in those groups.

2 Q Was there --

3 A I think it was within a couple days of that, that I was booted off of Zello.

4 Q Got it. In that time period, though, between January 6th and January 20th,
5 both on and off Zello, were you hearing any discussions about an armed militia march in
6 D.C. either on January 17th, or on the Inauguration Day, January 20th?

7 A No. I -- sorry. I laugh because I did hear people bringing up Facebook
8 posts that they had seen in regards to that, and everybody -- everybody that I knew was
9 bringing it up as complete fakes. It was intended to try to draw out the stupidest of the
10 stupid who would come out and think that it was a real thing. Anybody who was at all
11 intelligent in any group that I was part of knew that they were staying the hell away from
12 D.C. after January 6th.

13 Q Okay. So there wasn't the talk of going back?

14 A No. No. If anything, it was talks of how to try to fight that disinformation.

15 Q Understood.

16 [REDACTED]. What did The Last Stand mean then?

17 The Witness. I have no idea. It wasn't my group.

18 BY [REDACTED]:

19 Q All right. So some other channels then. D.C. protest January 6th?

20 A I don't recall that one.

21 Q March for Trump Rally?

22 A I mean, nothing. Nothing special, no.

23 Q All one word, MAGAStoptheSteal?

24 A Uh-uh. No.

25 Q 2020 Hunt?

- 1 A Definitely not. I don't believe I was part of that one, for sure.
- 2 Q D.C. Stand, space, 01062021, so January 6th, 2021.
- 3 A That one does not sound at all familiar.
- 4 Q Jan 6 D.C.?
- 5 A That one, I mean -- no, not as far as a group, nothing that I remember, no.
- 6 Q So there are also channels that are sort of networked, it seems like. Three
- 7 Percent Defense Militia, have you heard of chats with that in their title?
- 8 A Three Percent Defense Militia?
- 9 Q Yeah. Three Percent as Ill percent sign.
- 10 A Yeah, yeah. Yeah. It doesn't ring any bells, no.
- 11 Q Okay. And how about National Three Percent, also Ill percent sign, Patriots
- 12 Coalition?
- 13 A That one doesn't ring any bells.
- 14 Q I'm just going to go over a couple handles. So we talked about Little
- 15 Miss Rogue. If I said her name was Lacey Potts, L-a-c-e-y, P-o-t-t-s, no?
- 16 A No.
- 17 Q How about a Tammy Hugate, H-u-g-a-t-e?
- 18 A No. Is that her real name?
- 19 Q That's her real name.
- 20 A Yeah, because other than General E, simply because he was in the news and
- 21 a bit of a bragger, I didn't know anybody's real name.
- 22 Q Okay. Do you recognize the handle Tiger Lady?
- 23 A I did hear that name, yeah.
- 24 Q Okay. And did you ever speak with Tiger Lady?
- 25 A I'm sure I did. I just don't -- don't know when or what about.

1 Q Did you get any sense of who she was or what she was doing on the Zello
2 channels?

3 A The only recollection I have was a conversation in regards to Little Miss
4 Rogue and somebody who was trying to besmirch her character because of some affair
5 they had had or something. It was a married guy who would -- was trying to sleep with
6 her or did sleep with her.

7 I don't exactly recall that one, but, yeah, it was some kind of personal -- personal
8 drama in regards to that. I think that's -- that's the only time I recall.

9 Q Did you ever hear Little -- sorry -- Tiger Lady say anything about January 6th?

10 A Not that I can recall, no.

11 Q Anything about revolution or gathering in Washington, D.C.?

12 A Not that I can recall, no.

13 Q Okay. How about the handle K2, the number 2?

14 A That doesn't sound familiar.

15 Q All right. We saw the handle Earthquake. Do you know anything about
16 that person -- Earthquake?

17 A No. That one doesn't ring any bells.

18 Q Sure. K9queen, all one word?

19 A That one does sound familiar, and again, I think it was the exact same
20 incident. She was part of this whole female drama that was going on.

21 Q Okay. But you didn't hear K9queen talk about January 6th at all?

22 A No.

23 Q Or revolution?

24 A No.

25 Q Do you --

1 A No. A lot of these that I remember, Eric Braden had started a group on
2 Zello that was like a church group after January 6th, and a lot of these people I remember
3 being in that group after the fact.

4 Q A church group, meaning like a Sunday prayer or Saturday prayer?

5 A Yep, yeah, just like daily words of -- of the Bible.

6 Q Okay. Do you know a person named Michael Wells from North Carolina?

7 A That name does not at all sound familiar.

8 Q How about Kevin Skinner from Michigan?

9 A No.

10 Q Do you -- have you heard of the Black Robed Regiment?

11 A The Black Rogued Regiment?

12 Q Robed. Sorry. R-o-b-e-d.

13 A Robed. No, that does not at all sound familiar.

14 Q How about a Collin Waller, C-o-l-l-i-n, W-a-l-l-e-r?

15 A No.

16 Q All right. For January 6th, we know we talked about the Telegram chat.
17 Were you in any other Telegram chats that day?

18 A On January 6th?

19 Q Yeah.

20 A I mean, I was -- I was in a bunch of different chats, but it's one of those
21 things of, like, once you're in those chats, then you are constantly in those chats. But
22 was I monitoring anything on that day? No. Like I said, I was nonstop driving.

23 Q And Harry might pipe in here, but just to confirm for the record, you checked
24 those chats for anything responsive to the subpoena? So any discussions about
25 January 6th, any discussion about militias or Proud Boys or Oath Keepers, correct?

1 A Yeah. I didn't find anything.

2 Q Okay. So you were not put in chats by Proud Boys, that you know of, that
3 Proud Boys started a chat or Oath Keepers started a chat specific to January 6th?

4 A Not that I could find on there, no.

5 Q Okay. Have you heard of a document called 1776 Returns?

6 A That does not sound familiar, no.

7 Q Okay. And then last couple of questions. Since January 6th, 2021, have
8 you been contacted by law enforcement, State or Federal, regarding the events in
9 Washington, D.C.?

10 A There were a couple of officers who stopped by the house and just asked
11 me, you know, what -- or -- well, they didn't actually talk to me. They talked to my wife,
12 asked her if I was involved in that, and she answered she didn't know.

13 I ran into them a couple of -- about a week or two later, and I believe the question
14 came up again, and I said, you know, I was there for all of 15 minutes, so.

15 Q Okay. So you didn't provide any materials, documents, or evidence to law
16 enforcement then?

17 A No.

18 Mr. [REDACTED] Great. That's all I have.

19 Mr. [REDACTED] do you have anything further?

20 Mr. [REDACTED] No. That's all I have, too.

21 Mr. [REDACTED] Okay. And, Harry, do you have anything you want to add to the
22 record before we finish?

23 Mr. Smith. No, sir.

24 Mr. [REDACTED] All right. Well, we can go off the record at 1:07 p.m.

25 [Whereupon, at 1:07 p.m., the deposition was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date